

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Criminal Action
v.) No. 09-10017-GAO
)
TAREK MEHANNA,)
)
Defendant.)
)

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DAY FIFTEEN
JURY TRIAL

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Tuesday, November 15, 2011
9:13 a.m.

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Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
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by Mr. Chakravarty
by Mr. Carney30
127E X H I B I T S

<u>GOVERNMENT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
492	Proffer letter for Pippin		44
758	Photograph of Jason Pippin		66
443-447	Clear Guidance posts		82

1 (The following proceedings were held in open court
2 before the Honorable George A. O'Toole, Jr., United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Boston, Massachusetts, on November 15,
6 2011.

7 The defendant, Tarek Mehanna, is present with counsel.
8 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn
9 are present, along with Jeffrey D. Groharing, Trial Attorney,
00:18 10 U.S. Department of Justice, National Security Division.)

11 MR. CHAKRAVARTY: Good morning, your Honor. There was
12 one issue that I don't know whether your Honor has had the
13 opportunity to engage on. The government had filed in limine a
14 motion regarding a polygraph with regards to the second witness
15 on this morning. We filed it under seal. If your Honor does
16 not have a copy, I can pass it up. The government is seeking
17 to preclude the line of questioning that would elicit reference
18 to a polygraph examination which the witness was administered
19 by the FBI back in 2005.

00:19 20 THE COURT: You say it was filed this morning?

21 MR. CHAKRAVARTY: No. It was filed in limine before
22 trial.

23 THE COURT: I'm sorry.

24 MR. CHAKRAVARTY: It was one of the issues we
25 anticipated could come up during opening, your Honor.

1 THE COURT: I misunderstood your reference to "this
2 morning."

3 MR. CHAKRAVARTY: We should deal with it probably
4 outside the presence of the jury, before the witness testifies.

5 THE COURT: Yeah. All right.

6 MR. CARNEY: Your Honor, I filed an opposition to the
7 motion. I don't know if you've read it.

8 THE COURT: I have, rather brief.

9 MR. CARNEY: I can summarize it. Well, your Honor, I
00:21 10 think the point is pretty straightforward. I'll put it in
11 context. Mr. Pippin, the witness, was directed to come to the
12 United States Embassy in Finland. He did so. He was
13 interviewed over the course of two days. On the second day, he
14 was given a polygraph. He was told that he failed the
15 polygraph, and they wanted to continue the examination the
16 following day. He called the following day and said he would
17 not be returning.

18 I'm not offering this evidence to show that he
19 actually failed the polygraph. Frankly, I don't even have
00:22 20 enough information so that I or an expert could ever determine
21 whether or not he failed the polygraph. The reason I'm
22 offering it is for the impact on the state of mind of the
23 witness being told that he failed a polygraph and his reaction
24 to that and the fact that he declined to come back the
25 following day. I think it's important to go to his state of

1 mind and illustrate the dealings that he had with the FBI as a
2 witness.

3 It's ironic that the FBI would administer this
4 polygraph to the witness in order to influence his state of
5 mind, and then when it does, the government precludes me from
6 putting that into evidence. I think it goes directly to his
7 credibility, and I would ask the Court to deny the motion.

8 Thank you.

9 MR. CHAKRAVARTY: It seems what's probative here is
00:23 10 the fact that the FBI told him that they did not believe he was
11 being candid with them. That can be very vigorously explored
12 on cross-examination without the very explosive reference to a
13 polygraph, which gives this imprimatur of accuracy, which, as
14 counsel suggests, we have no idea whether that is, in fact, the
15 case. It seems to me, on a sufficiently collateral matter,
16 that this witness' answer can be further explored based on
17 other statements that he has given throughout the course of the
18 relationship with the government.

19 By mentioning the polygraph, this jury is thinking,
00:23 20 well, first, why don't we see what the results are, and why are
21 we relying exclusively on an attorney's question to the witness
22 about it. And, second, this witness doesn't have competency to
23 know what the results of the polygraph are. All he knows is
24 what the FBI told him about whether they believed what he was
25 telling them in perhaps a tactical move. I don't know what the

1 circumstances are but perhaps a tactical move to get him to be
2 more expressive about what his involvement was in a training
3 camp back in the mid-'90s.

4 MR. CARNEY: I adopt the government's word of
5 explosive, but where the explosion went off was in Mr. Pippin's
6 head. There's a big difference between an FBI agent saying, I
7 don't believe you, and an FBI agent saying, You didn't pass the
8 polygraph. We want you back here tomorrow to talk to you.

9 Just as the government says that is significant, I
00:24 10 agree completely because it would be extraordinarily
11 significant to the witness and affect his state of mind. I
12 don't intend to explore whether he actually did it.

13 THE COURT: I guess I'm not clear on the state of
14 mind. When? What's the relevant time for the state of mind?
15 The day he left or today when he testifies?

16 MR. CARNEY: Both, your Honor. And he had --

17 THE COURT: What's the latter? I get the former.
18 Address the latter.

19 MR. CARNEY: Because the FBI has tried to intimidate
00:25 20 him, in my opinion, by telling him that he failed the polygraph
21 test. That is said to a witness in order to intimidate a
22 witness. And it had its desired effect. And I submit that
23 that desired effect has carried on right to today. And the
24 jury's entitled to know the approach that the FBI used with
25 this witness in getting him to become a witness.

1 THE COURT: When was the event?

2 MR. CARNEY: 2005, your Honor.

3 THE COURT: I think I want to see what the context is
4 at the time. I'll reserve. Before the question gets asked,
5 you'll ask to approach, and we'll see what it looks like at
6 that stage.

7 MR. CARNEY: Does your Honor want me to set the
8 context?

9 THE COURT: Well, yeah.

00:26 10 MR. CARNEY: I certainly can ask the witness --

11 THE COURT: I guess what I'm thinking of is other
12 impeaching questions of a more general sort that seek what his
13 answers are. In other words, if he, hypothetically, were to
14 acknowledge, in response to more general questions, that he
15 feels pressured by the FBI, it might not be necessary to go any
16 further. If he denies it and you think you have to press
17 further, that might be a different circumstance. I think I'd
18 like to see where we are at the time, how necessary it may be.

19 MR. CARNEY: If he did ask, I felt really pressured by
00:26 20 the FBI, I will stop because my next question would be: Why?

21 THE COURT: Well, I mean, we'll -- at that point, I
22 think we'll have both his direct, and now we will be in his
23 cross. And we'll have some basis for assessing the import for
24 this jury and the usefulness of it.

25 MR. CARNEY: All right, your Honor. Thank you.

1 MR. CHAKRAVARTY: Your Honor, can/should I advise the
2 witness not to answer until the Court rules on that for fear
3 that he may --

4 MR. CARNEY: I have no problem with that, your Honor.

5 THE COURT: Okay.

6 MR. CHAKRAVARTY: Thank you.

7 MR. CARNEY: I think it's necessary to ensure your
8 Honor's ruling is complied with.

9 THE COURT: All right. Ready for the jury.

00:27 10 (Jury in at 9:23 a.m.)

11 THE COURT: Good morning, jurors.

12 THE JURY: Good morning.

13 THE COURT: Mr. Groharing.

14 MR. GROHARING: The government calls Jim Bailey.

15 THE CLERK: Sir, want to step up here, please. Step
16 up to the box. Remain standing.

17 JAMES BAILEY, Sworn

18 THE CLERK: Please be seated. State your name and
19 spell your last name for the record.

00:30 20 THE WITNESS: James Bailey, B-a-i-l-e-y.

21 DIRECT EXAMINATION BY MR. GROHARING:

22 Q. Good morning, sir.

23 A. Good morning, sir.

24 Q. Sir, how are you currently employed?

25 A. I'm currently employed as a chief Customs and Border

1 Protection officer for the Department of Homeland Security.

2 Q. How long have you been employed by the Customs and Border
3 Protection agency?

4 A. I've been employed by -- originally, it was U.S. Customs
5 back since 1997, so about 14 years. And then we merged in
6 2003. Since then, it's been Customs and Border Protection.

7 Q. What are your current duties?

8 A. Currently, I'm assigned to the Joint Terrorism Task Force
9 with the Boston FBI.

00:30 10 Q. How long have you been with the Joint Terrorism Task
11 Force?

12 A. Approximately four years.

13 MR. GROHARING: Your Honor, I'd ask that 738A be
14 displayed for the witness as well as the jury. It's been
15 admitted.

16 THE COURT: It is admitted. All right.

17 MR. GROHARING: On that note, your Honor, all the
18 exhibits we'll reference today have been admitted into
19 evidence.

00:31 20 Q. Sir, do you recognize this exhibit?

21 A. Yes, sir.

22 Q. What is it?

23 A. It's a certification from Pakistani International
24 Airlines, certified from JFK New York location.

25 MR. GROHARING: Could you pull up 738, please.

1 Q. Sir, do you recognize this exhibit?

2 A. Yes, sir.

3 Q. What is it?

4 A. It is a passenger name record for Pakistani International
5 Airlines, for a Mr. Ahmad Abousamra.

6 Q. What is a passenger name record?

7 A. A passenger name record is information provided by a
8 traveler or passenger to either the airline or a travel agency,
9 depending on how they book their ticket.

00:31 10 Q. What types of information is included in a passenger name
11 record?

12 A. There's a variety of information. A lot of it is
13 airline-generated information. What's most important on most
14 of them for people would be their itinerary, which describes
15 where they're traveling from, where they're traveling to.
16 There's contact information regarding emergency contact in the
17 event you were traveling and something happened; personal
18 information, to include home phone numbers, passports or
19 documents you're traveling on; along with a lot of other
00:32 20 airline-type information with -- the routing, check baggage
21 information, et cetera.

22 Q. Do you review PNRs in the course of your regular duties?

23 A. Yes, sir. With Customs and Border Protection, we deal
24 with international travelers on a daily basis. We come in
25 contact with passenger name records literally daily.

1 Q. You indicated that this was a passenger name record for
2 Ahmad Abousamra?

3 A. Yes, sir.

4 Q. What does this information here indicate?

5 A. This section here would be the itinerary section for Mr.
6 Abousamra on his travel. As indicated here, he would have
7 traveled on April 4th from Boston to JFK; once again, on April
8 4th, from JFK to Islamabad; and then returning April 30th from
9 Islamabad to Karachi; and then on May 1st, Karachi to JFK and
00:33 10 JFK on to Boston.

11 Q. When you're referring to Islamabad and Karachi, are you
12 referring to Islamabad, Pakistan, and Karachi, Pakistan?

13 A. Yes, sir, both locations in Pakistan.

14 Q. Have you had the opportunity to review this PNR prior to
15 your testimony today?

16 A. Yes, sir.

17 Q. Were you able to determine whether at the time of the
18 reservation whether there was point of contact information
19 included in the reservation?

00:33 20 A. Yes. These reservations, they're -- they're kind of --
21 each airline are different. This one reads from the bottom up.
22 Starting at the bottom of the reservation, there was not
23 contact information until about on Page 2, about three-quarters
24 of the way down, there was some information.

25 Q. You indicated on Page 2, three-quarters of the way down.

1 Is that in this area here?

2 A. Yes, sir, yup. It appears, on 4/29/02, Mr. Abousamra
3 changed his reservation, for whatever reason, to return to the
4 United States.

5 Q. What changes did he make at that time?

6 A. It looks like he rebooks his ticket to return on the May
7 1st trip. And at that time, he also adds some contact
8 information and some personal identifiable information, such as
9 his passport number, date of birth, and name.

00:35 10 Q. I've highlighted a particular line. What does that
11 information reflect?

12 A. That would be a contact provided by Mr. Abousamra in
13 Peshawar, Pakistan, for the phone number, 850758, and an
14 individual named Abdul Majid in Peshawar, Pakistan.

15 Q. Is it accurate to say that that information was added
16 after Mr. Abousamra had already traveled to Pakistan?

17 A. Yes. Reading it, it appears it would have been added on
18 4/29/02, at 02:41 hours.

19 Q. Are you able to determine where that information was
00:35 20 added?

21 A. As far as the contact itself? The section above that
22 entry would be what was added.

23 Q. I've highlighted another section on Page 1. That same
24 name is included on Page 1. Does that reflect the fact that
25 that contact information was added to the reservation?

1 A. Yes, yes. Above -- down below, it says the word
2 "history." Below that is the history of the reservation.
3 Above that is the current status of the reservation. And that
4 Abdul Majid contact would have been added by the traveler to
5 ensure, if there were any changes to the flight, any
6 difficulties with the flight, that's how they would have
7 contacted Mr. Abousamra to advise him of those changes.

8 Q. Again, the 850785, that's a phone number associated with
9 that name?

00:36 10 A. Yes. And "PEW" preceding the "850" indicates it's from
11 Peshawar, Pakistan.

12 Q. Thank you. Mr. Bailey, I'm going to ask you to read
13 portions of a chat that's included on your screen now.

14 A. Yes, sir.

15 Q. Are you familiar with the email address
16 ibnul_khattab28@yahoo.com?

17 A. Yes, sir. "82" there.

18 Q. Now, does this chat session -- did it take place on April
19 1, 2006?

00:37 20 A. Yes, sir.

21 Q. Now, I'll read the portions that are identified with Ahmad
22 AS. If you could read those other portions.

23 A. Yes, sir.

24 Q. "I was thinking about calling Abdil-M from Ptown."

25 A. "Yeah."

1 Q. "I just need to get his number."

2 A. "I was thinking the same thing. But how?"

3 Q. "Maybe get it from Verizon, my old records."

4 A. "Is it possible?"

5 Q. "Dunno."

6 A. "Try it man."

7 Q. "Yeah. Make supplication."

8 A. "Hmmm."

9 Q. "I'm sick of being surrounded by Muslim Brotherhood and
00:38 10 compromisers of the Foundations of the Religion."

11 Can you please read that section?

12 A. Yes, sir. "I am almost done with 39 but honestly, the
13 more I do of it the more I fear. Why do you say that which you
14 do not do?"

15 Q. "I am very disappointed. You know, it's been five years
16 and still we are in the toilet. I understand two years maybe,
17 maybe three, but five? Wow. I feel like such a loser, loser,
18 loser."

19 A. "Yeah, no kidding. You know, I was thinking that
00:39 20 refutation of the apostasy issue. I was thinking. You should
21 go ahead and write it out."

22 Q. "Why? For who? Masood?"

23 A. "Well, him and others. Just spread it around the net.
24 Send to MAS, CAIR, etc."

25 Q. "Okay. I'll try."

1 A. "But make it concise and easy to read so that your average
2 Muslim can understand it."

3 Q. "I can't stand this though. I mean, we didn't learn the
4 truth very late on. The same day, and we were already
5 convinced."

6 A. "Praise be to Allah."

7 Q. "But we're still in the toilet."

8 A. "But just be patient. Inshaa-'Allaah, Allah willing.
9 When I go to my cousin's wedding" --

00:40 10 MS. BASSIL: Objection. May we be heard at sidebar,
11 your Honor?

12 THE COURT: Okay.

13 (SIDEBAR CONFERENCE AS FOLLOWS:

14 MS. BASSIL: One of the problems with these instant
15 messages is that they really call for speculation as to
16 somewhat of what the meaning is. Sometimes things can have
17 dual meetings. He talks about -- at this point, Abousamra is
18 divorced, and the next set of lines are about Tarek going to
19 his cousin's wedding in Egypt. He would go every other summer
00:41 20 to Egypt. It's not positive, but I believe that the government
21 wants to imply that the wedding meant Jihad, which it didn't.
22 And where there's speculation here, I think it's unfair to be
23 reading that.

24 MR. GROHARING: I think that's a matter for the jury
25 to decide, your Honor.

1 MS. BASSIL: How are they going to decide? They're
2 not going to be able to decide. It's not fair for Evan Kohlman
3 to come in and say this is what this word means and that. If
4 this is -- let me just finish. If there's explicit language in
5 some other instant message that says, you know, when I talk
6 about weddings, I'm talking about battle or when I'm talking
7 about weddings, I'm talking about this. But there isn't.

8 So what I've started to notice that a great deal of
9 these instant messages -- and this is an example of it -- have
00:42 10 a lot of speculation. And I don't think it's fair for the
11 government to stand up in closing argument and says this is
12 what this means because nobody knows what this means.

13 MR. GROHARING: Your Honor, that's for the jury to
14 decide. We've had a lot of testimony about coded
15 communications. We're going to have additional cooperating
16 witnesses talking about coded communications. This particular
17 communication, I believe he actually was going to a wedding in
18 Egypt based on the information we have. But there are other
19 references that are important about other things he was going
00:42 20 to do while in Egypt: talks about looking for hot babes,
21 which, you know, with the background with the other witnesses'
22 background, that's not what they're doing in Egypt.

23 THE COURT: I do think in the end it is a matter for
24 the jury. This is not going to be controversial because it
25 was, in fact, a wedding.

1 MS. BASSIL: Here's the problem. He wasn't looking
2 for hot babes. He was looking for this or that. They're not
3 calling the person who was on the other half of the
4 conversation. If they were and this person said, I understood
5 that this is what it meant. They've had people who've said, I
6 explicitly knew what peanut butter and jelly is. I explicitly
7 knew. They don't have somebody to say that.

8 THE COURT: If this is not going to be -- this
9 particular communication is not going to be argued as a
00:43 10 coded --

11 MS. BASSIL: Well, that's up --

12 THE COURT: -- wedding, then I don't think it's a
13 major point.

14 MR. GROHARING: That portion.

15 THE COURT: There may be other expressions of the word
16 where they will make that argument, and that can be focused on.

17 MS. BASSIL: Well, here's the problem. I've seen in
18 Evan Kohlman's testimony that he says the word "wedding" means
19 Jihad. I don't think he can testify to that in this case.

00:44 20 MR. GROHARING: That's certainly something that
21 counsel can draw out on cross-examination.

22 THE COURT: The government is not going to argue this
23 particular conversation.

24 MS. BASSIL: They're going to let Evan Kohlman do it.

25 MR. GROHARING: Evan Kohlman is not going to testify

1 about this particular conversation versus, when the defendant
2 was referring to a wedding, he was referring to a terrorist
3 operation.

4 MS. BASSIL: I assume he's not going to testify that
5 any use of the word "wedding" means this is a terrorist
6 operation because this is the only way other than the defendant
7 trying to get married.

8 MR. GROHARING: In this conversation. There are other
9 conversations where he used the term "wedding" and it's not for
00:44 10 a wedding.

11 THE COURT: I think in the end, it's just a matter for
12 the jury to figure out.

13 MS. BASSIL: Well, note my objection.

14 THE COURT: Okay.

15 . . . END OF SIDEBAR CONFERENCE.)

16 Q. "But we're still in the toilet."

17 A. "But just be patient. Inshaa-'Allaah, Allah willing.

18 When I go to my cousin's wedding in Egypt, we'll get some hot
19 babes?

00:45 20 Q. "When is that?"

21 A. "July."

22 Q. "During the summer?"

23 A. "Yeah. They got a visit from the intelligence there, the
24 -- so."

25 Q. "Who?"

1 A. "I haven't been seeing him online."

2 Q. "So" --

3 MS. BASSIL: That was incorrectly read.

4 MR. GROHARING: I'm sorry.

5 Q. "By who?"

6 A. "I haven't been seeing them online."

7 Q. "So what makes you think they still do anything?"

8 A. "They are, trust me. They wouldn't let that stop them."

9 Q. "Yup."

00:46 10 A. "How about we go back to Abdullah's dad."

11 Q. "You better be kidding."

12 A. "The Egyptian."

13 Q. "That's crazy."

14 A. "Well, Abdul M's wife told me that's where he did his
15 homework."

16 Q. "Yeah. But that's her guess, I think."

17 A. "No. She told me with certainty that was the last she
18 heard of -- that was the last she heard of him."

19 Q. "Yeah. That city but that person?"

00:47 20 A. "Yes. She mentioned the fragrance."

21 Q. "I dunno. Hadn't he divorced her before that? Would he
22 let her know?" I'm sorry. "Why would he let her know?"

23 A. "Could he have -- could he have not done it on the phone
24 since he knew he was going for the Ph.D.?"

25 Q. "That's a guess. I think you should base things like that

1 on real proofs. Plus that's a wild step to take."

2 A. "All I am saying is she told me that he got accepted from
3 there."

4 Q. "Remember what happened last time over there before we
5 even left?"

6 A. "Yeah, just a suggestion."

7 Q. "I don't think it's a good idea unless we can somehow talk
8 to him. Maybe he'll call Abu Sab's cell. Peace be upon you.
9 I called the two phone companies. They said there is no
00:48 10 records that I can get. I'm sure there is a way to get them,
11 but I imagine you have to be a lawyer to get very old records
12 (more than three years ago). They said they don't keep records
13 once the balance is cleared and number closed."

14 A. "Peace be upon you. Great. Hmm. Why don't you just
15 call Hamid and ask him for the number."

16 Q. "Yeah, right."

17 A. "Did you ever call the number from your house line?"

18 Q. "I did a few times but usually I used a card."

19 A. "Yo, man."

00:49 20 Q. "Dude, I'm thinking if the HNN thing for learning works,
21 we might as well study even if work is not guaranteed."

22 A. "HNN?"

23 Q. "At least we can find some over there. Hassan's uncle."

24 A. "Oh, no, I'd rather not. Unless something is relatively
25 certain, it's not worth it."

1 Q. "One thing I think is relatively certain,... DJ, ISM,
2 KHUB...then."

3 A. "And...over there, that's out of the question."

4 MR. GROHARING: Just one moment, your Honor.

5 Q. Do you recognize this exhibit, sir?

6 A. Yes, sir. It's a Certificate of Authenticity of business
7 records from Verizon.

8 Q. Sir, have you had a chance to review these records prior
9 to your testimony today?

00:51 10 A. Yes, sir.

11 Q. Whose account is this?

12 A. This account would be for telephone number 978-682-2665,
13 for Mr. Ahmad Abousamra.

14 Q. Are you familiar with that telephone number?

15 A. Yes, sir. That same telephone number appears on Mr.
16 Abousamra's reservation from Pakistani Airlines.

17 Q. And on the PNR records you discussed a few moments ago?

18 A. Yes, sir.

19 Q. Now, what does Line 7 on that document reflect?

00:53 20 A. On Line 7, it would be a phone call from 978-682-2665 on
21 8/16, at 1:05 a.m., Pakistan, to a phone number, 9291850785.

22 Q. Now, do you recognize the telephone number 850785?

23 A. Yes. 850785 would be the same phone number provided on
24 Mr. Abousamra's passenger name reservation record, PNR, for an
25 Abdul Majid in Peshawar.

1 Q. I notice there are numbers in front of the 850785: a 92
2 and 91. What are those numbers?

3 A. Yes, sir. 92 would be the country code for Pakistan, and
4 91 would be the local area code for Peshawar, Pakistan.

5 Q. So on Line 7 of this record, it reflects a telephone call
6 made to the same phone number for Abdul Majid that was on the
7 PNR record you talked about before?

8 A. Yes, sir.

9 Q. I want you to look at Lines 8 through 12. Are these
00:54 10 similar telephone calls?

11 A. Yes. It's similar telephone calls to the same phone
12 number, on different dates: on August 16th, August 18th, and
13 then again on August 19th.

14 Q. Again, those are for the number associated with Abdul
15 Majid from the PNR request?

16 A. Yes, sir.

17 MR. GROHARING: Next page, please. Okay.

18 Q. On Line 2, there's another phone call. Could you please
19 explain where that call was made from and to whom it was made?

00:55 20 A. Once again, it's made on August 4th to the 9291850785
21 phone number, from 978-682-2665.

22 Q. Are there similar calls that are listed on Lines 6 through
23 10?

24 A. Yes, sir, a call on August 13th, two on August 14th, and
25 two on August 15th to the same number.

1 Q. I notice that these calls only have a date and a month.
2 In this report, are you able to determine what year these calls
3 were made as well?

4 A. It has a -- you can highlight that. It has a bill date on
5 it which says "12/16/02."

6 Q. Is that December 16 of 2002?

7 A. Yes, sir.

8 Q. So these calls were all made in 2002 then?

9 A. Yes, sir.

00:56 10 MR. GROHARING: Thank you, your Honor. That's all I
11 have.

12 CROSS-EXAMINATION BY MS. BASSIL:

13 Q. Good morning, Mr. Bailey.

14 A. Good morning, ma'am.

15 Q. Now, did you yourself obtain these records from the
16 Pakistan airlines?

17 A. The certified record from Pakistani Airlines?

18 Q. Yes.

19 A. I did not get it myself, no.

00:56 20 Q. So these are records only -- these are records of Mr.
21 Abousamra traveling to Pakistan?

22 A. Yes, ma'am.

23 Q. And you were not given any records that indicated that Mr.
24 Mehanna traveled to Pakistan?

25 A. No. The record there was just for Mr. Abousamra.

1 Q. Looking -- when we were talking about those instant
2 messages, have you read any other instant messages from this
3 case?

4 A. No, ma'am.

5 Q. So, in fact, when the prosecutor asked you if you were
6 familiar with them, you were familiar because they gave you
7 these to read?

8 A. Yes, ma'am.

9 Q. These three instant messages?

00:57 10 A. Yes, ma'am.

11 Q. And when -- and if we could look at -- by the way, do you
12 know who these people are in the instant messages?

13 A. Do I know -- I know the email and I know Mr. -- do I know
14 Mr. Abousamra?

15 Q. You knew the name?

16 A. Do I know of him?

17 Q. Yes.

18 A. Yes.

19 Q. And the other people in the instant messages, were you
00:58 20 familiar -- strike that.

21 Now, in the first instant message you read --

22 MS. BASSIL: Let me have the first one. I think that
23 was -- I believe that was Exhibit 583. I'm sorry. And it was
24 the second page if you have that, please. And if we could blow
25 up just the first half.

1 Q. Looking at this, sir, it says -- the person that -- you
2 understand Ahmad AS to be Ahmad Abousamra?

3 A. Yes, ma'am.

4 Q. The Arabic there, do you know who that is?

5 A. I believe it to be Mr. Tarek Mehanna.

6 Q. Mr. Abousamra is the one who says, "I'm sick of being
7 surrounded by Ikhwaanees," meaning Muslim Brotherhood, correct?

8 A. Yes, ma'am.

9 Q. And Mr. Mehanna does not respond to that, correct?

00:59 10 A. No. The next line is from Mr. Abousamra, and then Mr.
11 Mehanna responds at the end.

12 Q. "Did you see Masood?"

13 A. Yes, ma'am.

14 Q. He does not respond to this idea of "I'm sick of being
15 surrounded"?

16 A. Not that I can see there.

17 MS. BASSIL: And then if we could go to the next page,
18 please, on that exhibit. If we could go to the bottom, please.

19 Q. It's Mr. Abousamra who says, "I feel like such a loser,
01:00 20 loser, loser." Do you see that?

21 A. Yes, ma'am.

22 Q. And the person that you've identified as Mr. Mehanna says,
23 "Yeah, no kidding." And he immediately starts talking about,
24 "I was thinking that refutation of the riddah issue, I was
25 thinking you should go ahead and write it out." So he doesn't

1 say, "I feel like such as loser, loser, loser." This is Mr.
2 Abousamra?

3 A. Mr. Abousamra says "loser, loser." I don't see the ending
4 that you had there but -- you said, "I was thinking," and then
5 you added some more.

6 Q. "...that refutation," if you look at the next line.

7 A. Yup. "... of the apostasy issue."

8 Q. Right. And then if you could go to the next page.

9 A. Okay. It's on there.

01:01 10 Q. Yeah, it is.

11 And he said, "...you should go ahead and write it
12 out." Do you see that on the top?

13 A. "...you should go ahead and write it out," yes, ma'am.

14 Q. As far as you understood this to mean, Mr. Mehanna is
15 suggesting that he work on some writing project?

16 A. Mr. Mehanna suggesting to Mr. Abousamra?

17 Q. Yes.

18 A. Yes.

19 Q. Now, if we could go down further, this was the
01:01 20 conversation, the instant message, in which Mr. Mehanna is
21 talking about going to his cousin's wedding in Egypt, in July,
22 correct?

23 A. Yes.

24 Q. And at that time, when this message was sent between the
25 two of them, were you aware that Mr. Mehanna was unmarried?

1 A. I wouldn't know if Mr. Mehanna was married or not.

2 Q. Were you aware that Mr. Abousamra was divorced?

3 A. At this time, I am, yes.

4 Q. Okay. And meaning in 2006 when this message took place?

5 A. Would I have known he was divorced?

6 Q. Yes.

7 A. No.

8 Q. Okay.

9 MS. BASSIL: If we could go to Exhibit 592, please.

01:02 10 And that would be great, right there. If we could go a little
11 lower.

12 Q. You read something about "I'm thinking" -- or it was read,
13 "I'm thinking if the HNN thing for learning works"; do you see
14 that?

15 A. Yes, ma'am.

16 Q. You have no knowledge of what "HNN thing" is?

17 A. No, ma'am.

18 MS. BASSIL: If we could go down a little further,
19 please. I think we went down too far. Here it is.

01:03 20 Q. Mr. Abousamra says, "One thing I think is relatively
21 certain, DJ, ISM, KHUB," you have no idea what that means
22 either?

23 A. No, ma'am.

24 Q. Or what he's referring to?

25 A. No.

1 Q. Were you -- did you obtain Mr. Mehanna's phone records?

2 A. Did I?

3 Q. Yes.

4 A. Me personally, no, ma'am.

5 MS. BASSIL: And if we could go to the phone records
6 for a moment, I believe that's Exhibit 743. And if we could go
7 to Page 3. And if we could just blow up this bottom, from No.
8 7 on, right there. That would be great. Thank you.

9 Q. Do you see a number there, No. 13?

01:04 10 A. Yes, ma'am.

11 Q. And that number is -- 92 is, as you said, the country
12 code?

13 A. Uh-huh.

14 Q. Right? And 3205203766. Do you know whose telephone
15 number that is?

16 A. No, ma'am.

17 Q. And that appears again as No. 15, is that right?

18 A. Yes.

19 MS. BASSIL: If we could go to the next page, and if
01:04 20 we could have this blown up, the second quarter, that would be
21 great.

22 Q. Again, this same number appears as No. 3, 4, and 5,
23 correct?

24 A. Yes.

25 Q. Again, you don't know whose number that is?

1 A. No, ma'am.

2 Q. Again, these phone records were from 2002, as I understand
3 it?

4 A. Yes. That's what the certification was.

5 Q. And the instant messages that you read were from 2006?

6 A. Yes. We can pull the date up on there, but I'm fairly
7 sure that's what it was, yes.

8 MS. BASSIL: Thank you. I have no further questions.

9 MR. GROHARING: Nothing further, your Honor.

01:05 10 THE COURT: All right. Thank you, Mr. Bailey.

11 THE WITNESS: Thank you, sir.

12 MR. CHAKRAVARTY: The United States calls Jason
13 Pippin.

14 THE CLERK: Sir, you want to step up here, please.
15 Step up to the box there.

16 JASON PIPPIN, Sworn

17 THE CLERK: Please be seated. State your name and
18 spell your last name for the record.

19 THE WITNESS: Jason Pippin, J-a-s-o-n, P-i-p-p-i-n.

01:06 20 DIRECT EXAMINATION BY MR. CHAKRAVARTY:

21 Q. Good morning.

22 A. Morning.

23 Q. Where do you currently live?

24 A. Toronto, Canada.

25 Q. How long have you lived there?

1 A. Almost three years.

2 Q. Did you come down here to testify in this case?

3 A. Yes.

4 Q. How old are you?

5 A. Thirty-four.

6 Q. Where were you born?

7 A. Atlanta, Georgia.

8 Q. Where did you grow up?

9 A. Around Atlanta, Metro Atlanta area.

01:06 10 Q. Do you have a family?

11 A. Yes.

12 Q. Describe your family.

13 A. Wife and two children.

14 Q. Do they live with you in Canada?

15 A. Yes.

16 Q. Where did you go to high school?

17 A. Henry County High School.

18 Q. Did you graduate?

19 A. No.

01:06 20 Q. Did you get an equivalency degree at some point?

21 A. Yes.

22 Q. So did you drop out of school then?

23 A. Yes.

24 Q. What did you do after you dropped out?

25 A. I went to Pakistan.

1 Q. Approximately when?

2 A. 1996.

3 Q. Before you went to Pakistan, did you become a Muslim?

4 A. Yes.

5 Q. Approximately when?

6 A. 1991, 1992.

7 Q. Why did you go to Pakistan?

8 A. For military training.

9 Q. What prompted you to get military training in Pakistan?

01:07 10 A. Due to the general obligation, as I saw it at the time, to
11 receive military training as a part of preparation for Jihad as
12 there was a conflict going on in Kashmir at the time, and they
13 had a place for people to learn military skills.

14 Q. Did somebody approach you in the United States to ask you
15 to go there?

16 A. Yes.

17 Q. We'll come back to that in a little bit, but I want to get
18 through your travel.

19 Did you return from Pakistan?

01:08 20 A. Uh-huh, yes.

21 Q. Obviously. You're here.

22 Approximately how long were you there?

23 A. Five months the first time.

24 Q. Did you return at some point?

25 A. Yes.

1 Q. When?

2 A. Returned to the States you mean?

3 Q. Yes. Did you return to Pakistan after?

4 A. Yes. I returned a second time, in 1997.

5 Q. How long were you there the second time?

6 A. Five months.

7 Q. Again, did you come back to the United States?

8 A. Yes.

9 Q. On your way back, did you go to Saudi Arabia?

01:08 10 A. Yes.

11 Q. What for?

12 A. To perform the Minor Hajj, Al-Umra.

13 Q. Is that a tenet of Islam to try to participate in a minor
14 pilgrimage?

15 A. Yes.

16 Q. Where did you go when you came back to the United States?

17 A. I went to Columbus, Ohio.

18 Q. What was in Columbus?

19 A. A friend of mine whom I met in Pakistan was living there.

01:08 20 Q. How long were you in Columbus?

21 A. Approximately six months, seven months.

22 Q. Did you leave?

23 A. Yes.

24 Q. Where did you go?

25 A. From there I went to Yemen.

1 Q. When was that?

2 A. This was in early 1998.

3 Q. What was the purpose of your going to Yemen?

4 A. To study.

5 Q. To study what?

6 A. To study Arabic and Islamic studies.

7 Q. How long were you in Yemen?

8 A. About a year and a half.

9 Q. Again, did you return to the United States?

01:09 10 A. Yes.

11 Q. Where did you go?

12 A. Came back to Georgia, to Atlanta.

13 Q. What year was that?

14 A. This was 1999, summer of 1999.

15 Q. What did you do when you returned to Georgia?

16 A. I was working in a mosque as an Imam.

17 Q. Describe what an Imam is.

18 A. An Imam is a prayer leader, the one who leads the five
19 daily prayers and who perhaps conducts classes and listens.

01:09 20 Q. By this time, did you become fluent in Arabic?

21 A. Yes.

22 Q. Approximately when did you become fluent in Arabic?

23 A. Well, I started in about 1996, 1997. But going to Yemen,
24 that solidified it, so around the time I went to Yemen.

25 Q. Were you already conversant in Arabic before going to

1 Yemen?

2 A. Basic conversations, not the grammar, not anything like
3 that.

4 Q. Which, immersed in Yemen for a year and a half, you
5 improved?

6 A. Yes.

7 Q. What did you do after you came back to Atlanta?

8 A. I stayed there for a while as an Imam and then eventually
9 traveled to Morocco for a visit with a friend.

01:10 10 Q. How long were you in Morocco?

11 A. Just -- I mean, I went there three times, different
12 occasions, sometimes two weeks, sometimes three months.

13 Q. Were you working there or just visiting?

14 A. Just visiting.

15 Q. From Morocco, did you go anywhere else?

16 A. I came back to the United States, and then after that, I
17 went to Mauritania.

18 Q. What was in Mauritania?

19 A. For Islamic studies in Arabic.

01:11 20 Q. Did you -- how long were you in Mauritania?

21 A. I was there for three months.

22 Q. You returned back to the United States?

23 A. I returned to Morocco after that.

24 Q. And then from there, you returned to --

25 A. Yea. From there, I came back.

1 Q. Thank you for clarifying.

2 Where did you go when you returned to the United
3 States?

4 A. When I returned to the United States from Mauritania, I
5 went to Columbus, Ohio, again.

6 Q. What did you do in Columbus at that point?

7 A. Working.

8 Q. What kind of work?

9 A. Odd jobs.

01:11 10 Q. Were you active online at this point?

11 A. Yes.

12 Q. Did you meet a woman online?

13 A. Yes.

14 Q. Did you meet a woman that you wanted to settle down with?

15 A. Yes.

16 Q. What happened?

17 A. Well, we talked online, and then we met in person, and
18 then we decided that we wanted to get married. Then I applied
19 for a teaching position at a school where she taught. I got
01:11 20 the job. We got married in the summer and then I moved there.

21 Q. Where was the teaching position?

22 A. College Park, Maryland.

23 Q. Where did you get married?

24 A. In the Philippines.

25 Q. When was that?

1 A. This was summer of 2001.

2 Q. After your marriage, did you return to Maryland?

3 A. Yes.

4 Q. How long were you in Maryland?

5 A. On and off, for about two and a half years.

6 Q. What was your next international travel?

7 A. Back to Malaysia where her family was residing for a
8 vacation.

9 Q. Was that in 2003?

01:12 10 A. 2003, yes.

11 Q. Then did you return to the United States again?

12 A. Yes.

13 Q. Around that time, did you look to move to another location
14 within the United States?

15 A. Yes.

16 Q. Why?

17 A. I did not renew my teaching contract, and my wife -- my
18 ex-wife -- she fell very ill, and she had allergic reaction
19 based on the environment in Maryland. So we decided it was
01:12 20 best to move to California where she grew up because of the
21 weather for her health. So I applied for a job there at a
22 school affiliated with the school I taught at, and I got the
23 job, and I moved there in the summer.

24 Q. Where in California was that?

25 A. Sacramento.

1 Q. At some point in your time in -- you both moved to
2 Sacramento?

3 A. Yes.

4 Q. At some point, did you separate from your wife?

5 A. Yes.

6 Q. Approximately when was that?

7 A. 2004.

8 Q. Did you go anywhere?

9 A. Yes.

01:13 10 Q. Where did you go?

11 A. I went to the United Arab Emirates and Oman.

12 Q. Was that in the late summer of 2004?

13 A. Yes.

14 Q. What was the purpose of your going back overseas?

15 A. It was my intention to try to go to Yemen for studies, to
16 go to either Dar al-Mustafa or another school that I was
17 looking into.

18 Q. Were you able to go to Yemen?

19 A. No.

01:13 20 Q. Why not?

21 A. I had visa difficulties when I was still in the States,
22 and I'd already bought a ticket. So instead of wasting the
23 ticket while waiting to sort out the visa issue, I decided to
24 give it a try and go to Emirates and apply for the visa there.
25 That wasn't successful ultimately. So I traveled to Oman, the

1 neighboring country, to apply for a visa there, also
2 unsuccessful.

3 Q. From Oman, where did you go?

4 A. From Oman, I returned to the United Arab Emirates for a
5 few days to a week and there was talking with friends of mine
6 living in Finland. And then I traveled there.

7 Q. What was the purpose of your traveling to Finland?

8 A. First, it was just to visit them and to see what was there
9 in Finland. I wanted a change. I didn't renew my teaching
01:14 10 contract. So I didn't have any obligations. I was no longer
11 married. So I was single and alone and just to see what was
12 there and to visit my old friends.

13 Q. When did you arrive in Finland?

14 A. September of 2004.

15 Q. How long did you remain residing in Finland?

16 A. Five years.

17 Q. Did you get married again?

18 A. Yes.

19 Q. Did you have a child?

01:15 20 A. Yes.

21 Q. Did you get a job?

22 A. Yes.

23 Q. What was your job?

24 A. First, it was teaching English. Then it was software --
25 as a software engineer and translator.

1 Q. During that five years, did, again, you separate from your
2 second wife?

3 A. Yes.

4 Q. Did you get remarried?

5 A. Yes.

6 Q. Was your -- did you get remarried to your current wife?

7 A. Yes.

8 Q. Is she Canadian?

9 A. Yes.

01:15 10 Q. Did you have another child?

11 A. Yes.

12 Q. Did she sponsor you for Immigration paperwork in Canada?

13 A. Yes.

14 Q. And that's what prompted your return to Canada?

15 A. Well, we returned because she was pregnant with our child
16 and to take advantage of the healthcare situation there. And
17 also, because of the language barrier in Finland, we decided it
18 would be better to have the child there. So we ended up
19 staying.

01:15 20 Q. Do you work now in Canada?

21 A. Yes.

22 Q. What do you do?

23 A. I'm self-employed, work as a translator and editor.

24 Q. Is that Arabic to English and English to Arabic
25 translation?

1 A. Arabic to English only.

2 Q. Arabic to English. I'm sorry.

3 What does an editing involve?

4 A. Editing involves taking books written by other authors and
5 correcting the English grammar and diction and making sure that
6 it's consistent with a set style guide and so on.

7 Q. Is there a level of proficiency required for that type of
8 work?

9 A. Yes.

01:16 10 Q. Would you have been able to do this when you first learned
11 Arabic?

12 A. No.

13 Q. What types of things do you translate?

14 A. Primarily religious texts.

15 Q. Has the subject of what you have translated, has that
16 changed over the years?

17 A. Yes.

18 Q. Most recently, have you edited or translated a document by
19 Doctor Tahir al-Qadri?

01:16 20 A. Yes.

21 Q. What document is that?

22 A. It's a large, 600-page book, a legal verdict on terrorism
23 and suicide bombings.

24 Q. What is that legal verdict?

25 A. This legal verdict --

1 MR. CARNEY: I object.

2 THE COURT: Excuse me just a minute. If there is an
3 objection, just wait a minute, and we'll deal with it.

4 MR. CARNEY: Hearsay.

5 THE COURT: Overruled.

6 Q. Go ahead. Now you may answer.

7 A. It's a legal verdict that explains that terrorism
8 targeting non-combatant civilians is absolutely and
9 unconditionally prohibited in Islam as well as suicide
01:17 10 bombings.

11 Q. Now, is that type of document that you would not have
12 translated eight years ago?

13 A. Absolutely not. I wouldn't have translated it.

14 Q. Is that because you had different views eight years ago
15 than you do today?

16 A. Yes.

17 Q. In the course of your travels and based on your
18 associations, have you been interviewed by the FBI on numerous
19 occasions?

01:17 20 A. A few occasions.

21 Q. Did they interview you back in 2005?

22 A. Yes.

23 Q. Were you living in Finland at that time?

24 A. Yes.

25 Q. Sometime after that, did you meet with investigators in

1 this case, in 2008?

2 A. Yes.

3 Q. In fact, you met myself, some of the other prosecutors,
4 and the agents in this case?

5 A. Yes.

6 Q. Was that interview in Finland, was that actually recorded
7 as well?

8 A. The meeting that I had the second time, in 2008, was.

9 Q. And that was pursuant to a mutual legal assistance
01:18 10 request?

11 A. Yes.

12 MR. CHAKRAVARTY: Call up Exhibit 492 for the witness.

13 This is not in evidence, your Honor.

14 Q. Mr. Pippin, have you seen this document before?

15 A. Yes, I have.

16 Q. What is it?

17 A. This is a proffer letter that I received when I first met
18 the prosecutors in 2008.

19 Q. Okay. Did we bring this with us when we came to visit
01:18 20 you?

21 A. Yes.

22 MR. CHAKRAVARTY: I'm just going to ask to go to the
23 second page, please.

24 Q. Is this your signature at the end?

25 A. Yes, it is.

1 MR. CHAKRAVARTY: I'd ask to introduce 492, your
2 Honor.

3 MR. CARNEY: No objection, your Honor.

4 THE COURT: Okay. 492 is in.

5 (Exhibit No. 492 received into evidence.)

6 MR. CHAKRAVARTY: First page, please.

7 Q. I'll read this first paragraph. "No statements made or
8 other information provided by you will be used by the United
9 States Attorney directly against you, except for purposes of
01:19 10 cross-examination and/or impeachment should you offer in any
11 proceeding statements or information different from statements
12 made or information provided by you during the proffer, or in a
13 prosecution of you based on false statements made or false
14 information provided by you." Did I read that correctly?

15 A. Yes.

16 Q. What do you understand this letter to obligate you to do?

17 A. Speak the truth.

18 Q. Aside from this letter, were you promised anything in
19 connection with your testimony here today?

01:19 20 A. No.

21 Q. Let's go back to your travel overseas. You mentioned, in
22 1996, you went to Pakistan?

23 A. Yes.

24 MR. CHAKRAVARTY: Call up 751, please.

25 THE COURT: In evidence?

1 MR. CHAKRAVARTY: Yes, I'm sorry. 751 is in evidence.

2 Q. Is this a map essentially of Pakistan and neighboring
3 countries?

4 A. Yes.

5 Q. You mentioned that you received military training in
6 Pakistan in 1996. Through whom? How did you receive that
7 training?

8 A. I received it through a group called Lashkar Tayba.

9 Q. Can you spell that for the court stenographer?

01:20 10 A. L-a-s-h-k-a-r, T-a-y-b-a.

11 Q. At the time in 1996, do you know whether this was a
12 designated terrorist organization in the United States?

13 A. It was not.

14 Q. At some point later, after 2011, do you know whether it
15 became so?

16 A. As far as I recall, I think it was December 2001.

17 Q. Excuse me. I misspoke. 2001.

18 Are you familiar with an association between this
19 organization, Lashkar Tayba and kind of a parent organization?

01:21 20 A. Yeah. It's the parent organization which runs schools and
21 other facilities. It's called Markaz Dawah Al Irshad.

22 Q. Can you spell that for the court stenographer?

23 A. M-a-r-k-a-z-a, D-a-w-a-h, W-a-l-i-r-s-h-a-d.

24 Q. Is Lashkar Tayba essentially the military aspect of that
25 organization?

1 A. Yes, it is.

2 Q. You mentioned earlier Kashmir. What is the -- what was
3 the -- at the time that you went to the training camp, what was
4 the mission of Lashkar Tayba?

5 A. In 1996 when I went, their objective was to cross over
6 into Indian occupied Kashmir and engage in military -- or
7 combat against the Indian Army.

8 Q. Can you just describe for the jury what the conflict -- in
9 very brief terms, what the conflict was in Kashmir?

01:22 10 A. After the partition of Pakistan and India, this was
11 disputed territory. And there was a few wars that were fought
12 over in the '60s and '70s resulting in a stalemate. So Kashmir
13 was divided into what is known as Free Kashmir on the Pakistani
14 side and what is now known as Occupied Kashmir on the Indian
15 side. So there was fighting in Kashmir, fighting to wrest
16 control of Kashmir, and put it back into Pakistani territory
17 control.

18 Q. Was there any U.S. involvement in the fighting or the
19 conflict there?

01:22 20 A. You mean official -- I don't know.

21 Q. Did you ever engage in fighting?

22 A. No.

23 Q. What type of military training did you receive?

24 A. Small arms, basic tactics.

25 Q. Was this part of a camp?

1 A. Yes.

2 Q. Was it organized by the Lashkar Tayba?

3 A. Yes.

4 Q. Now, can you just show us on the map where approximately
5 you were in Pakistan in 1996?

6 A. Most of my time was spent in a place called Muzaffarabad.

7 Q. I'm circling this area of Muzaffarabad.

8 A. Yes.

9 Q. Is that the accurate area?

01:23 10 A. That's it.

11 Q. On the right it's written "Kashmir." Is that the area
12 you're referring to?

13 A. Yes. Muzaffarabad is the capital of the government of
14 Azad Kashmir and Pakistan.

15 Q. Did I circle Peshawar here?

16 A. Uh-huh.

17 Q. And then this is the Afghanistan border?

18 A. Yes.

19 Q. Now, you said that you had returned to Pakistan in 1997.
01:24 20 Where did you go in 1997?

21 A. I went to a school that was affiliated with Markaz Dawah
22 Al Irshad in another city.

23 Q. Did you receive military training the second time?

24 A. No.

25 Q. What city was your training in?

1 A. It's called Kotli, K-o-t-l-i.

2 Q. Thank you. Now, after you returned from your experience
3 in Pakistan, you mentioned that two years later you went to
4 Yemen?

5 A. Yes.

6 Q. Was the purpose of your trip to Yemen to get military
7 training?

8 A. No.

9 Q. What kind of education were you seeking in Yemen?

01:24 10 A. To learn Arabic, grammar, and the Islamic sciences.

11 Q. What prompted you to go to Yemen?

12 A. Well, at that time, the school that I wanted to go to was
13 known to be a very good school. They had a very solid
14 curriculum, and the environment was still very austere.

15 Q. Did you have other options to study Islamic studies
16 elsewhere in the world?

17 A. Yes.

18 Q. Where else did you have an opportunity to go?

19 A. Well, I had been accepted to study at the University of
01:25 20 Medina the summer before when I went to Saudi Arabia, but I
21 decided to change my plans and go to Yemen.

22 Q. Why would you prefer to go to Yemen?

23 A. I wasn't that impressed with the student facilities and
24 the level of education, the way the daily life was in the
25 University of Medina. So I decided I wanted to go to Yemen

1 instead since it was more austere and seemingly more thorough.

2 MR. CHAKRAVARTY: Can we call up Exhibit 749, also in
3 evidence, your Honor.

4 Q. Is this a map of Yemen?

5 A. Yes.

6 Q. Does it also depict Oman over on the right-hand side of
7 the screen?

8 A. Yes.

9 Q. That's the country that you went to in 2004 when you
01:26 10 couldn't get into Yemen?

11 A. Right.

12 Q. Approximately where was your school that you attended in
13 1999 in Yemen?

14 A. I attended two schools. The first one was in Ma'rib.

15 Q. This area, Ma'rib?

16 A. Yes.

17 Q. What school was that?

18 A. The school was called Dar-ul-Hadith.

19 Q. What kind of curriculum did you study under?

01:26 20 A. It was a traditional curriculum and basic Arabic grammar,
21 jurisprudence, Hadith, things of this nature.

22 Q. Was there any military training there?

23 A. No.

24 Q. What kind of area was Ma'rib?

25 A. Ma'rib is basically a tribal area. So most of the people

1 there live in relative isolation and freedom from government
2 control.

3 Q. At some point, you left your school in Ma'rib?

4 A. Yes.

5 Q. Where did you go?

6 A. I went to a school called Dammaj outside of the city of
7 Sadah.

8 Q. Is that up in this area?

9 A. Yes.

01:27 10 Q. Northwest area. What school was that?

11 A. It was a sister school of Dar-ul-Hadith Ma'rib, called
12 Dar-ul-Hadith Dammaj.

13 Q. When you say "sister school," what does that mean?

14 A. Meaning that the Dar-ul-Hadith schools located in Yemen
15 were under the auspices of the head teacher there in Dammaj,
16 and the other schools, the sister schools, were by former
17 students of him.

18 Q. Who was that teacher?

19 A. The one in Dammaj, his name was Shaykh Muqbil.

01:28 20 Q. Who's the teacher in Ma'rib?

21 A. His name was Abul Hasan al-Maribi.

22 Q. Was he Egyptian?

23 A. Yes.

24 Q. Is the appellation in Arabic for somebody from Egypt
25 al-Masri?

1 A. Yes.

2 Q. Why did you leave Dar-ul-Hadith in Ma'rib?

3 A. The teacher, Abul Hasan, left to go on a speaking tour in
4 some neighboring countries, and after he left, the curriculum
5 wasn't as robust as it was when he was there. It was becoming
6 a bit disorganized. So a large group of students decided that
7 we would go to Dammaj instead to further our studies because
8 there was no longer anything active going on during that break.

9 Q. Was Shaykh Muqbil there when you went to this school in
01:29 10 Dammaj?

11 A. Yes.

12 Q. How long did you study under him?

13 A. About a year, a little over a year.

14 Q. Did you ultimately leave the school?

15 A. Yes.

16 Q. Why did you leave?

17 A. I had really pursued what I wanted to pursue there and was
18 just ready to leave. There was nothing any longer I wanted to
19 get there.

01:29 20 Q. Did you return to the United States from there?

21 A. Yes.

22 Q. Do you know what happened to Shaykh Muqbil?

23 A. He passed away a couple years later.

24 Q. After you left Yemen in 199 -- sorry. When exactly did
25 you leave Yemen?

1 A. Summer of 1999.

2 Q. Did you -- have you been back since then?

3 A. No.

4 Q. Did your basis of knowledge as to the availability of
5 education, did that change from when you were there?

6 A. The situation in Yemen had changed, but, you know, my
7 knowledge from that point after wasn't updated. I didn't
8 really know a lot of details what was going on after I left.

9 Q. You indicated that while you were there you did not
01:30 10 receive military training. Were you aware of where such
11 training could be obtained in Yemen?

12 A. Not in exact locations but possible contacts of people who
13 would know.

14 Q. Were you aware, while you were there, of any al Qa'ida
15 presence in Yemen?

16 A. No.

17 Q. Did the USS Cole attack occur after you had left Yemen?

18 A. Yes.

19 Q. And all of your experiences in Yemen were pre-9/11, is
01:30 20 that right?

21 A. Yes.

22 Q. Let's bring you now to 9/11. How would you describe your
23 religious views with regards to the concept of Jihad around the
24 time of 9/11?

25 A. Well, pre-9/11 my views regarding Jihad were fairly

1 standard, fairly normative in believing in the concept of Jihad
2 as a means of defending -- as Muslims defending themselves
3 against aggressors if aggressors invade their land. After
4 9/11, those views transformed greatly.

5 Q. How so?

6 A. They became more extreme. Seeing the events of 9/11 and
7 then seeing the invasions of Afghanistan and seeing these
8 traumatic images on the news media and then reading different
9 books in Arabic, seeing different videos, that solidified my
01:31 10 views and made my views a little more radical regarding the
11 scope of Jihad or who would be considered legitimate targets in
12 Jihad.

13 Q. Those are different views that you had when you went to
14 Pakistan and to Yemen?

15 A. Yes.

16 Q. You mentioned some of the resources. How did your views
17 transform? What did you consume?

18 A. Well, at that time you had several websites in Arabic that
19 had books and audios and even videos of some of the main
01:32 20 ideologs (ph) of al Qa'ida or those who provided the
21 theological underpinnings for the actions of al Qa'ida and
22 those who sought or had their world view. So after 9/11, it
23 was basically reading these books, listening to these tapes.

24 Q. You mentioned participating online as well?

25 A. Yes.

1 Q. Were discussion forums part of that, or forums?

2 A. Yes.

3 Q. How long did you hold these what you called extremist
4 views?

5 A. I would say that -- we could say post-9/11, up until
6 probably late 2004, early 2005.

7 Q. Is it fair to say that you no longer believe those ideas?

8 A. No. Yes, that's fair to say.

9 Q. How did you withdraw from those ideas?

01:33 10 A. Well, I think, in hindsight, for me, it was -- it was a
11 reaction to all the traumatic images that I saw and wanting to
12 do something, wanting to have the appropriate attitude towards
13 those things that were taking place in the world. And my views
14 became more radicalized over time because of the things that I
15 was reading.

16 And, you know, as time went by and I started to, you
17 know, distance myself from online activities, distance myself
18 from all of the people that I associated with online, off-line,
19 I began to think more, went through my own kind of spiritual
01:34 20 crisis regarding these things and ultimately questioned a lot
21 of those beliefs and reassessed my views eventually leading me
22 to where I am today.

23 Q. Are you familiar with the term "Salafi-Jihadi"?

24 A. Yes.

25 Q. What is that?

1 A. It's in one of the several varieties of the Salafi
2 movement, it being probably the more radical off-shoot.

3 Q. What does that off-shoot -- what tenets does it hold?

4 A. Roughly speaking, the Salafi-Jihadi ideology basically
5 believes that physical Jihad is an individual obligation on the
6 Ummah, on the Muslim community, and that -- roughly speaking,
7 that the rulers in the Muslim countries are virtually all
8 apostates and that those regimes need to be changed by force
9 and that it's legitimate to target civilians or to target
01:35 10 people who are not directly involved in combat. I say roughly
11 speaking because you have several arguments within that
12 movement with different levels of nuance.

13 Q. Back after 9/11, would you describe yourself as a
14 Salafi-Jihadi?

15 A. Yes, I would.

16 Q. Was there a Salafi-Jihadi view regarding the events of
17 9/11?

18 A. Yes.

19 Q. What was that view?

01:35 20 A. That 9/11 was a legitimate action and that it was a
21 legitimate operation and legitimate attack.

22 Q. Was there a rationale as to why it was legitimate?

23 A. Yes. Some articulated the view that since it was an
24 economic strong point of the United States that to target it is
25 to target the American economy, to weaken America, and that

1 those who perished in the World Trade Center were but
2 collateral damage. Therefore, the targeting of this financial
3 symbol was legitimate and justified and praiseworthy.

4 Q. Did you share that view back then?

5 A. Yes.

6 Q. Did you associate with other people who shared this world
7 view, the Salafi-Jihadi?

8 A. Yes.

9 Q. Where did you associate with them?

01:36 10 A. A few people off-line and several people online.

11 Q. Were there particular forums or sites where you would
12 congregate?

13 A. Yes.

14 Q. Can you say what they are?

15 A. Well, there's three basic sites. The first one was
16 pre-9/11. That one was called salafiyoon.com. The second one
17 was Clear Guidance forum. And the third one was Tibyan forum.

18 Q. Did you have a presence on all of these?

19 A. Yes.

01:37 20 Q. Did you use different screen names or handles when you
21 were on these sites?

22 A. Yes.

23 Q. What were your online monikers?

24 A. For Salafi Yoon, it was Abu Umar. For Clear Guidance, it
25 was Abul Muthanna. And for Tibyan, I don't remember.

1 Q. The first one you said was Abu Umar?

2 A. Yes.

3 Q. Can you spell that?

4 A. A-b-u, U-m-a-r.

5 Q. And then you described Abul Muthanna. Can you spell that?

6 A. A-b-u-l, M-u-t-h-a-n-n-a.

7 Q. You described that at different periods of time you used
8 different identities. Did you frequent them at different
9 periods of time?

01:38 10 A. Pardon?

11 Q. Did you frequent each of these sites at a different period
12 in time?

13 A. Yes.

14 Q. Did these sites -- were they -- did they frequently go up
15 and come back down?

16 A. I'm not too sure about salafiyoon. I think it was
17 eventually just pulled down by the owner. Clear Guidance was
18 also pulled down by the owner by his own choice. Tibyan went
19 down from time to time for various reasons.

01:38 20 Q. Was there a relationship between Clear Guidance and
21 Tibyan?

22 A. Yes.

23 Q. What was that relationship?

24 A. Well, Tibyan represented a grouping of people who were
25 previously posting on Clear Guidance forum. The site was

1 established as a means of putting up translations of different
2 documents that articulate the Salafi-Jihadi world view.

3 Q. What was the focus of Clear Guidance?

4 A. Clear Guidance at the time was basically a gathering point
5 for "Muslim youth." So you had a variety of views there,
6 although you could say that the dominant viewpoint was either
7 kind of standard Salafi to Jihadi Salafi.

8 Q. And had you been on Clear Guidance over a period of time?

9 A. Yes.

01:39 10 Q. What was the focus of Tibyan Publications -- or Tibyan?
11 Excuse me.

12 A. Yes. Tibyan Publications and the forum was basically, as
13 I said, a point where translations could be put up of documents
14 that articulated the Salafi-Jihadi world view.

15 Q. Were you on this site for some period of time?

16 A. Yes.

17 Q. Was it a shorter period of time than you were on Clear
18 Guidance?

19 A. Yes.

01:40 20 Q. Approximately when were you on Tibyan Publications?

21 A. Probably 2002, 2003. Last I remember is perhaps 2004 or
22 early, early 2005, just briefly.

23 Q. How did Tibyan operate?

24 A. From my knowledge, it was a volunteer effort of people
25 coming together translating different texts. Those texts would

1 be put together in a pdf form and then posted online. And then
2 it eventually grew.

3 Q. You eventually withdrew from the site?

4 A. Yes.

5 Q. Do you remember whether the site was open to everyone?

6 A. I remember it being open for general readers but not open
7 for posting without having permission or without having a
8 connection with someone on the site.

9 Q. So you could access the content without being able to post
01:41 10 on the site?

11 A. Yes.

12 Q. Unless you were a member?

13 A. Yeah. If you're a member, you can post. Without being a
14 member, you can just access the content.

15 Q. What types of translations appeared on the site?

16 A. Texts that articulate the theological arguments in support
17 of the Salafi-Jihadi world view; issues regarding declaring the
18 rulers of the Muslim countries as apostates and disbelievers;
19 articles or booklets justifying targeting non-combatants; and
01:41 20 other theological issues that are not directly related to Jihad
21 but related to that world view.

22 Q. Did you translate anything for the Tibyan site?

23 A. Yes.

24 Q. What did you translate?

25 A. I translated a book called, in Arabic, "Al-Tibyan Fi Kufri

1 Man A'an Al-Amrikan," translated as, "The Exposition Regarding
2 the Disbelief of Those Who Assist the Americans."

3 Q. I think -- I'm not going to ask you to spell that whole
4 thing in Arabic. We'll try to get it afterward.

5 At the time you translated that, did you agree with
6 the message of that article?

7 A. The book, you mean? Yes.

8 Q. Excuse me. What was that message?

9 A. The basic thesis of the book is that anyone who offers any
01:42 10 assistance, whether it be physical or moral, verbal or
11 financial assistance to the Americans in their war against the
12 Muslims in Iraq and elsewhere, that person becomes, through
13 that action, an apostate, who has left the fold of Islam.

14 Q. Did you spend considerable time on that?

15 A. Yes.

16 Q. About how long?

17 A. Approximately six months, maybe longer.

18 Q. Did that test your Arabic skills?

19 A. I suppose so, yes.

01:42 20 Q. Were you familiar with other translations that appeared on
21 that site?

22 A. A few.

23 Q. Do you know whether Tibyan Publications distributed
24 al Qaeda propaganda materials?

25 A. Most of the materials that they were translating were

1 coming from one or two websites that were like the
2 clearinghouses for all sorts of literature either coming
3 directly from people who were affiliated with al Qa'ida or
4 idealogs (ph) who supported the ideology of al Qa'ida.

5 Q. Are you familiar with a document called "39 Ways To Serve
6 and Participate in Jihad"?

7 A. Yes.

8 MR. CHAKRAVARTY: I call up Exhibit 25 and 32 in split
9 screen. Both of these are in, your Honor. 382, excuse me.

01:43 10 Q. Do you recognize the document on the left of the screen,
11 Exhibit 25?

12 A. The English one, no. I don't recall seeing the cover like
13 this.

14 Q. Okay. Do you see where it says "Tibyan Publications" on
15 the bottom?

16 A. Yes.

17 Q. What is the document on the right?

18 A. This is the Arabic version of the same document.

19 Q. Is this --

01:44 20 A. Although there's a slight difference. No, that's -- no.
21 There's a discrepancy between the two, just with the name of
22 the person in the parentheses. The name of the author is the
23 same. The name of the book is the same.

24 Q. I'm going to ask you about some of the people you're
25 familiar with from the forums, these online forums that you

1 were just describing. Are you familiar with a person who used
2 the screen name Abu Fudayl?

3 A. Yes.

4 Q. Did you know any other online identities that that person
5 used?

6 A. Yes.

7 Q. What were they?

8 A. There was Abu Hurairah; there was Sinaan; Abu Hamood; and
9 Abu Usayd, I think.

01:45 10 Q. Are you familiar with somebody that used the online
11 identity of Ibn Abi Shaybah?

12 A. Yes.

13 Q. Again, for the stenographer, can you try to spell what I
14 just said?

15 A. I'm not sure how you spelled it but probably I-b-n, A-b-i,
16 S-h-a-y-b-a-h.

17 Q. Are you familiar with a person called Abu Dujanah?

18 A. Yes.

19 Q. Did you later learn Abu Dujanah's true identity?

01:45 20 A. Yes.

21 Q. Do you know his real name?

22 A. Tariq Dur (ph), something like that.

23 Q. Are you familiar with somebody named Abu Khubayb
24 al-Muwahhid?

25 A. I've seen the name.

1 Q. Are you familiar with that being online --

2 A. Yes.

3 Q. -- but not knowing who that person is?

4 Are you familiar with Abu Sabaayaa?

5 A. Yes.

6 Q. Were all of these names people that you saw online on
7 these various sites?

8 A. Yes.

9 Q. Did you have interaction with them online?

01:46 10 A. Not with all of them, mostly with Abu Fudayl and all of
11 his other associated names, as well as Abu Dujanah.

12 Q. I bring you now to Abu Fudayl. Do you know who Abu Fudayl
13 is in -- not in the virtual world but in reality?

14 A. Yes.

15 Q. Who is he?

16 A. Ahmad Abousamra.

17 Q. How did you know him?

18 A. We met in person.

19 Q. Before you met him in person, how did you know him online?

01:46 20 A. We used to talk online from time to time.

21 Q. About what?

22 A. All sorts of issues, many of them related to, like,
23 Salafi-Jihadi stuff. Other times other topics.

24 Q. Was that his mindset as well?

25 A. Pardon?

1 Q. Was that his mindset as well?

2 A. Yes.

3 Q. Approximately when was this?

4 A. Well, my first initial contact with him was on the Salafi
5 Yoon forum in 2001, and our contacts continued on words with
6 Clear Guidance and Tibyan.

7 Q. How frequently would you talk?

8 A. Off and on. Sometimes quite frequently. Sometimes there
9 would be stretches of time where we didn't speak.

01:47 10 Q. You mentioned that you would speak in connection with the
11 forums. Were there any other means that you would communicate?

12 A. We would speak on MSN Messenger.

13 Q. Is that instant messaging?

14 A. Instant messaging, yeah.

15 Q. You've formed views about his mindset, as you just said.

16 What was the basis of your assessment of his views?

17 A. Synonymous with mine, give or take a few details.

18 Basically, Salafi-Jihadi.

19 Q. How did you conclude that?

01:48 20 A. From all of our discussions.

21 Q. Are you familiar with a concept called takfir?

22 A. Yes.

23 Q. What is that?

24 A. Takfir is basically when a Muslim is declared to be a
25 non-Muslim, an apostate. It's a legal ruling.

1 Q. Did he express to you his views on takfir?

2 A. Yes.

3 Q. What were they?

4 A. His views on takfir were basically like that of mine, what
5 I now see as extreme. Basically, very easygoing and very
6 simplistic when it comes to declaring Muslims to be non-Muslims
7 for various offenses that were construed as acts or deeds or
8 statements that would take them outside of the fold of Islam.

9 Q. Are you aware of whether he did any translation activities
01:49 10 online?

11 A. I'm aware of a few snippets here and there, samples of
12 different things, nothing very extensive that I recall.

13 Q. You were aware that he spoke and was able to translate in
14 Arabic?

15 A. Yes.

16 Q. You described a second ago that you actually met him?

17 A. Yes.

18 Q. When did you meet him?

19 A. We met in the early fall of 2003.

01:49 20 MR. CHAKRAVARTY: Call up Exhibit 741, please. It's
21 also in evidence, your Honor.

22 Q. Do you recognize the person depicted in this?

23 A. Yes.

24 Q. Which of the photos do you recognize as --

25 A. The bottom left.

1 Q. Who do you recognize that to be?

2 A. Ahmad Abousamra.

3 Q. Where did you meet him?

4 A. In Sacramento.

5 Q. So he came to visit you in the fall of 2003?

6 A. Yes.

7 MR. CHAKRAVARTY: Call up Exhibit 758, please. Excuse
8 me, your Honor. This may not be in yet.

9 Q. Do you recognize that photo?

01:50 10 A. Yes.

11 Q. Who is that?

12 A. Yours truly, me.

13 Q. Approximately when?

14 A. I would say 2003, around the same time period.

15 MR. CHAKRAVARTY: I ask to introduce 758, your Honor,
16 and publish it.

17 THE COURT: All right.

18 MR. CARNEY: No objection, your Honor.

19 (Exhibit No. 758 received into evidence.)

01:50 20 Q. So is this a fair and accurate depiction of how you
21 appeared when you met with Ahmad Abousamra?

22 A. Yes.

23 Q. How would you characterize any difference between your
24 physical appearance back then versus now?

25 A. I mean, at that time I was -- I took the position that

1 it's forbidden to shave the beard. Now I don't have that
2 position anymore.

3 Q. Is that a Salafi position?

4 A. Not exclusively, no.

5 Q. What prompted your meeting with Ahmad Abousamra in the
6 fall of 2003?

7 A. We were talking on MSN, and in the course of our
8 discussion, the topic of Yemen came up as a possible place to
9 travel to.

01:51 10 Q. In what context?

11 A. Well, the context was to go to Yemen for training for
12 Jihad, but the conversation was basically cut short on MSN
13 preferring instead that he travel to Sacramento to discuss it
14 further.

15 Q. Did he suggest that?

16 A. Yes.

17 Q. Why did you cut the conversation short on the instant
18 message chat?

19 A. He wished to discuss the topic further but not on MSN for
01:51 20 fear that it could be monitored.

21 Q. Did you make arrangements to meet?

22 A. Yes.

23 Q. What were those arrangements?

24 A. He flew out to Sacramento, and I picked him up from the
25 airport and arranged a place for him to stay for a couple of

1 days.

2 Q. Did he have your phone number?

3 A. Yes.

4 Q. Did you make arrangements to pick him up from the airport?

5 A. Yes.

6 Q. Did you do that?

7 A. Yes.

8 Q. Do you recall what day of the week he was arriving?

9 A. I believe it was a Friday.

01:52 10 Q. How long was he going to stay?

11 A. I think until Sunday.

12 Q. Before he came out, what was your understanding about what
13 Abousamra had been told about your experience in Yemen?

14 A. Well, he was -- he was under the impression, as he learned
15 from me directly, that I had studied there with Shaykh Muqbil
16 and Abul Hasan al-Ma'rabi.

17 Q. What did you tell him about your experience in Pakistan
18 before he came to visit you?

19 A. That I had been involved with Lashkar Tayba and I had
01:53 20 visited them and received training with them.

21 Q. When he arrived, why did he say he came to see you?

22 A. To discuss the details about how he could go about
23 traveling to Yemen to receive training for Jihad.

24 Q. What was the objective of his training?

25 A. Ultimately, to receive the training that he would need to

1 participate in Jihad.

2 Q. Did he say where he wanted to go to train in Jihad?

3 A. Well, Iraq was the topic of discussion.

4 Q. Did he bring up the issue of going to Yemen?

5 A. In our MSN conversation, you mean?

6 Q. Yeah, before he came out.

7 A. I don't recall whether it was just both of us talking and
8 the topic came up, whether it was through his prompting. But
9 we got on the topic. It was broached and we talked further.

01:54 10 Q. What was the connection between Yemen and Iraq?

11 A. Well, at that time, there was no real connection other
12 than the fact that there were still in Yemen at that time many
13 Afghan Arabs, meaning veterans from the previous Afghan war in
14 the '80s, from Arab countries who were unable to return to
15 their home countries and instead settled in Yemen under the
16 protection, under the agreement, of the president of Yemen.

17 MR. CHAKRAVARTY: Can we call up Exhibit 9, please.

18 THE COURT: Is this in?

19 MR. CHAKRAVARTY: This is in, your Honor, Exhibit 9.

01:54 20 It's something from the defendant's residence.

21 Q. Before you came and testified today, did I show you this
22 document yesterday?

23 A. Yes, or you showed it to me this morning.

24 Q. This morning, excuse me. Are you familiar with this name?

25 A. Yes.

1 Q. Who is that person?

2 A. Aqeel Walker. He's an American translator.

3 Q. Where did you know him from?

4 A. I know him from Georgia.

5 Q. Is the title of this document, "Yemeni Scholars Reinforce
6 the Call For Jihad"?

7 A. Yes.

8 MR. CHAKRAVARTY: Can we go to Page 3, please. Again,
9 this is appended to the same document.

01:55 10 MR. CARNEY: I object. May we approach, please?

11 THE COURT: All right.

12 (SIDEBAR CONFERENCE AS FOLLOWS:

13 MR. CARNEY: Your Honor, I object to these as hearsay.
14 Just putting a post on that someone said something like Yemeni
15 scholars support Jihad.

16 MR. CHAKRAVARTY: I'm not offering it for the truth of
17 the matter. I'm just offering it as something in the
18 defendant's residence. It's consistent with why Abousamra
19 would be asking for guidance on Yemen or direction on Yemen,
01:56 20 and it ties to the defendant.

21 THE COURT: Yeah, so first -- okay. What portions do
22 you want to use here?

23 MR. CHAKRAVARTY: I don't have it in front of me.

24 There's one portion where it's explicit. There's a call to
25 engage in Jihad.

1 THE COURT: I'm not sure what the truth statement is.

2 MR. CARNEY: Well, this was a document -- do you know
3 when it was written? Was it 2001?

4 MR. CHAKRAVARTY: I think he says it's around 2001.

5 MR. CARNEY: So the fact that he has in his possession
6 a document that says that really just shows that in a room full
7 of books and papers, he has things.

8 THE COURT: Well, that's a probative value issue. I'm
9 trying to get to the hearsay issue. I don't know that it's
01:57 10 offered as an assertion for the jury to treat as true or false
11 but just as a fact of its existence. Now, then you get to what
12 does it mean that it existed. I think that's part of the
13 circumstantial case, so --

14 MS. BASSIL: It is being offered for the truth. Why
15 else would he put it up there? Yemeni scholars talk about
16 Jihad. That's why he put it up there. It's misleading
17 because, as of 2004, that's no longer true.

18 THE COURT: I think it's -- okay. Objection
19 overruled.

01:57 20 . . . END OF SIDEBAR CONFERENCE.)

21 Q. Mr. Pippin, are you familiar with this document?

22 A. Yes.

23 Q. What is it?

24 A. It's an excerpt of a statement made by one of the teachers
25 in Yemen affiliated with Shaykh Muqbil.

1 Q. Again, was this also translated by Aqeel Walker, the
2 person that you're aware of?

3 A. Yes.

4 MR. CHAKRAVARTY: Can we go to the next page, please.

5 Q. "We ask Allah to make the Muslims firm in the East of the
6 land and the West of the land upon the Deen, Islam. We ask
7 Allah to help the mujahideen who make Jihad in his path and
8 that he helps them against his enemies. Oh, Allah, help your
9 worshippers." Did I read that portion correctly?

01:59 10 A. Yes.

11 Q. "Thus, Jihad in the way of Allah, is that which its time
12 is coming. I mean the Jihad of attacking, aggressing, and
13 conquering lands offensive Jihad. However, it is obligatory
14 upon you, O, people to help the Muslims at least by making
15 du'aa, supplications to Allah. If we are not able to help with
16 wealth and if we are not able to help with men, i.e., soldiers,
17 then let us help them with du'aa. And du'aa contains an
18 abundance of good by the permission of Allah and the Lord of
19 all the worlds." Did I read that correctly?

01:59 20 A. Yes.

21 Q. Are you familiar with approximately when this document --
22 or this opinion came out?

23 A. I believe it was around the time when the Americans
24 invaded Afghanistan.

25 Q. Was that Americans invaded Afghanistan?

1 A. Yeah. That would be 2001, 2002.

2 MR. CHAKRAVARTY: You can clear this.

3 Q. When Mr. Abousamra came to visit you, did he mention his
4 Boston crew?

5 A. Yes.

6 Q. What did he say about them?

7 A. Well, he mentioned that he had a few friends of like mind
8 who were basically Salafi-Jihadis as well that he spent time
9 with. I don't recall him mentioning the exact names, but I do
02:00 10 recall mentioning -- like, I remember something like IT guy,
11 which I think later on was -- either he told me directly or I
12 heard it from him later on, the name Kareem came up and Abu
13 Sabaayaa.

14 Q. At the time that he was talking about the IT guy and Abu
15 Sabaayaa, you didn't know their real names?

16 A. No.

17 Q. What did he say about them?

18 A. Well, basically, that they also share the same viewpoints.

19 Q. Were you familiar -- I think you said you were -- with the
02:01 20 name Abu Sabaayaa?

21 A. Yes.

22 Q. How were you familiar with him?

23 A. I was already familiar with the name because of the
24 postings on Clear Guidance.

25 Q. And this was one of those websites that you had mentioned

1 earlier?

2 A. Yes.

3 Q. Did you recognize him as somebody who posted on that site?

4 A. Yes.

5 Q. When were you on that site?

6 A. Probably late 2001 through 2002.

7 Q. Did you become familiar with his posts during that period?

8 A. Yes.

9 Q. Were you familiar with the format of Clear Guidance?

02:01 10 A. Yes.

11 Q. How did the pages appear?

12 A. Well, you have the post with the avatars, the avatars
13 being the pictures that identify the poster, on the left side.

14 Q. And then are you familiar with what's called a thread?

15 A. The thread, yeah. You have a topic under discussion, and
16 then you have responses to it that are under it.

17 Q. Before you came in to testify today, yesterday, did I show
18 you Exhibits 443 to 447?

19 MR. CHAKRAVARTY: Can you call up 443 just for the
02:02 20 witness. This is not in evidence.

21 THE COURT: Actually, we're at 11:00. Before you get
22 into the exhibit, why don't we take the recess.

23 (Recess taken at 10:56 a.m.)

24 (After the recess:)

25 THE CLERK: All rise for the Court and the jury.

1 (The Court and jury enter the courtroom at 11:31 a.m.)

2 THE CLERK: Please be seated.

3 BY MR. CHAKRAVARTY:

4 Q. Mr. Pippin, when we broke I was starting to ask you about
5 some posts on ClearGuidance.com. Yesterday, did you have an
6 opportunity to review Exhibits 443 to 447?

7 MR. CHAKRAVARTY: And for your benefit, your Honor,
8 could we have the projection of 443 just for the witness?

9 MR. CHAKRAVARTY: All right.

02:38 10 MR. CARNEY: May we be seen at sidebar, please?

11 THE COURT: Okay.

12 (Discussion at sidebar and out of the hearing of the
13 jury:)

14 MR. CARNEY: I object to these postings on Clear
15 Guidance, your Honor. I believe he's going to offer a series
16 of them.

17 THE COURT: What's the objection?

18 MR. CARNEY: Any possible minimal relevance is far
19 exceeded by the prejudicial value. All this is, is a young man
02:39 20 making comments on a website. And they have no relevance to
21 this trial, no insight into his state of mind, no -- nothing
22 but just making him look like a snarky kid.

23 THE COURT: What are the dates?

24 MR. CHAKRAVARTY: They go from the end of November
25 2003 up to the week before they went to Yemen.

1 THE COURT: So the end of '03 into '04? And what is
2 the substance?

3 MR. CHAKRAVARTY: There's three different sets. One
4 of them discuss both what -- he's going to identify
5 individuals, the defendant and some of the other participants,
6 including Abousamra and Abu Dujana, who was one of the people
7 were on the sites; he's going to talk about the defendant's
8 reference to "join the caravan," which is this document that
9 was posted which was found in the defendant's house. He would
02:39 10 say this is the document that he was referring to.

11 THE COURT: What's the defendant's moniker here?

12 MR. CHAKRAVARTY: Abu Sabaayaa.

13 MR. CARNEY: Which one is the first one you're going
14 to offer?

15 MR. CHAKRAVARTY: I'm going to offer all of them. I'm
16 going to talk about --

17 MR. CARNEY: Which is the first one, because I could
18 hand the Court --

19 MR. CHAKRAVARTY: 443.

02:40 20 THE COURT: Why are these different from the instant
21 messages?

22 MR. CARNEY: Because of the content, your Honor.
23 Here's what happens on Clear Guidance: There will be a post by
24 an individual -- the first one, 443, involves what a person
25 should do if his parents are sick and oppose the idea of the

1 person going to jihad, and what happens thereafter is that
2 people offer comments about that. And I can direct your Honor
3 to the page where he would offer the comment. If I may kind of
4 direct you on this, your Honor. This is Post No. 2 by someone
5 called "editor," and he makes a comment.

6 THE COURT: All right.

7 MR. CARNEY: And there is post No. 3 by someone who
8 says, "If the child feels it would lead to the death of his
9 parents, he shouldn't go." Here we get to Number 4. This is
02:41 10 the defendant. His comment begins right here.

11 THE COURT: Are there any others?

12 MR. CARNEY: Yes, your Honor. We would have Post 5 by
13 someone else, and 6, and 7. Eight and 9 he reappears --

14 THE COURT: Yeah.

15 MR. CARNEY: -- and he comments on a previous post and
16 notes it's also found in "Join the Caravan" as a clarification
17 section --

18 THE COURT: That's what Mr. Chakravarty was just
19 referring to?

02:42 20 MR. CARNEY: Correct.

21 MR. CHAKRAVARTY: Your Honor, those rulings are why
22 certain excuses are not permissible reasons, why someone should
23 not go. And that seems to be squarely -- the mindset here is
24 before he's going on that trip what was his mindset? And he's
25 trying to remove the barriers.

1 MR. CARNEY: I'll remove my objection to this one,
2 your Honor.

3 What's the second one, please?

4 MR. CHAKRAVARTY: 446.

5 THE COURT: They're in sequence.

6 MR. CARNEY: All right.

7 THE COURT: Maybe it will help if I just flip through
8 it because the point is to find his post, right?

9 MR. CARNEY: Yes, your Honor. And there are also some
02:43 10 by Abousamra.

11 MR. CHAKRAVARTY: And there are coconspirators as
12 well, but the ones we would read would be his.

13 (Pause.)

14 THE COURT: Well, I guess I come back to where I
15 started: This seems very much like the particular instant
16 message chats. I mean, it's conversations among people who are
17 said to be participants. As a general matter, that seems
18 germane and admissible. And if there's some particular
19 offensive matter, we can focus on that. But it shows -- you
02:44 20 know, the fact of the relationships as well as whatever it was
21 they were talking about, it seems germane.

22 MR. CARNEY: Is the next one mentioning Colin Powell?

23 THE COURT: That one did.

24 MR. CARNEY: That's one of the things that I think
25 should be excluded. I mean, he says that he hopes Colin Powell

1 has his cancer return and that President Bush and Defense
2 Secretary Rumsfeld get AIDS and transfer it to their wives and
3 daughters.

4 THE COURT: Who says that?

5 MR. CARNEY: The defendant. Making a comment on that
6 online and saying something crude and demeaning of people is
7 typical behavior of kids this age, and to --

8 THE COURT: That's a matter, again, for an ultimate
9 judgment of -- they're entitled to claim the other side of
02:45 10 that.

11 MR. CARNEY: But his state of mind is clear beyond any
12 discussion and now he's saying "I think someone should get
13 cancer and someone should get AIDS"? The prejudice of his
14 saying that as a young man on a forum so far outweighs any
15 probative value; in fact, I challenge the prosecutor: What is
16 the probative value of those statements compared to the
17 avalanche that's come in already?

18 MR. CHAKRAVARTY: You are saying that he did not go
19 there, to Yemen, for the purposes that he's alleged to have
02:45 20 gone there.

21 MR. CARNEY: And so if he says that --

22 THE COURT: I think it's admissible.

23 MR. CARNEY: This about politicians?

24 THE COURT: Yes. I overrule the 403 objection.

25 MR. CARNEY: I move for a mistrial.

1 THE COURT: Okay.

2 MR. CARNEY: I think if this evidence is going to come
3 in -- I want to make it clear on the record.

4 THE COURT: Okay.

5 MR. CARNEY: If this evidence is coming in, all it is
6 doing, your Honor, is poisoning the jury about the character of
7 this young man. It has nothing to do with state of mind. It
8 has nothing to do with interest in going to Yemen. It has got
9 nothing to do with supporting jihad. It's just saying: I
02:46 10 think this politician should get cancer and this other
11 politician should get AIDS. That is so inflammatory and
12 irrelevant to the issues here that it's just pure and simply
13 character assassination, poisoning the jury.

14 The prejudice is overwhelming. There is no limiting
15 instruction that could possibly be given now or in the final
16 instructions to ameliorate this extreme prejudice.

17 Mr. Mehanna, like everybody his age, would say stupid, profane,
18 crude, immature things. To have it introduced against him in a
19 criminal trial of this magnitude, I respectfully suggest -- and
02:47 20 I don't say this lightly -- is abusing the discretion that your
21 Honor has to control the evidence. And I don't say that in any
22 way disrespectful.

23 THE COURT: I understand.

24 MR. CARNEY: I hope you know that.

25 THE COURT: I understand that's the legal standard.

1 MR. CARNEY: And that's the basis for my moving for a
2 mistrial with the admission of this evidence.

3 MR. CHAKRAVARTY: Just for the record, I would
4 disagree with that characterization. It's not character
5 evidence; it directly goes to what the defendant's state of
6 mind was at relevant periods of time: the fact that he's
7 wishing death upon his enemies go to the elements of the
8 offense. He was distinguishing himself from the Americans of
9 whom he was conspiring to kill.

02:47 10 THE COURT: I think it's relevant and probative to the
11 government's theory and, therefore, admissible, as I said. So
12 the motion for mistrial is denied.

13 MR. CARNEY: Yes, your Honor.

14 (In open court:)

15 BY MR. CHAKRAVARTY:

16 Q. Mr. Pippin, do you recognize this 443 as one of -- 443,
17 444, -45, -46 and -47 to be Clear Guidance posts?

18 A. Yes.

19 Q. And describe how you recognize them as Clear Guidance
02:48 20 posts.

21 A. The Clear Guidance font is the same; the location -- even
22 where it says "location"; knowing who ran the site; as well as
23 just the overall format.

24 Q. And does it, in fact, say it's an archived version of the
25 Clear Guidance forum?

1 A. Yes.

2 Q. And do you recognize some of the names of the individuals
3 who were on the posts?

4 A. Yes.

5 MR. CHAKRAVARTY: At this point I would offer exhibits
6 443 through 447.

7 THE COURT: Okay. Subject to our sidebar discussion,
8 they are admitted.

9 (Government Exhibit Nos. 443 through 447 received into
02:49 10 evidence.)

11 MR. CHAKRAVARTY: Could we go to Exhibit 445, fourth
12 page, please?

13 MR. CARNEY: Your Honor, may these be published to the
14 jury, please?

15 THE COURT: Yes, they are.

16 MR. CARNEY: Being read to the jury in total rather
17 than isolated?

18 MR. CHAKRAVARTY: I'm not prepared to read the entire
19 contents of all of the posts. Specific posts, I'll be happy to
02:49 20 read the whole post, not the entire thread. I mean --

21 THE COURT: Yeah, I don't think it's necessary to read
22 the entire thread. Again, if there's something relevant, you
23 can offer it on cross.

24 MR. CARNEY: I submit in order to understand the
25 thread --

1 THE COURT: Well, it depends on the length and number
2 of topics in the thread. It's hard to make a general judgment
3 without seeing each one.

4 MR. CARNEY: Well, I'd move that 443 be read because
5 it's impossible to understand these in context as a thread
6 unless you see what was said before you. It's like a
7 conversation.

8 THE COURT: Right now I think Mr. Chakravarty was
9 addressing the witness's attention to Number 445, if I heard it
02:50 10 correctly.

11 MR. CARNEY: Right.

12 THE COURT: So let's focus on that. If there's more
13 than what he needs to show --

14 MR. CHAKRAVARTY: Go to page 1, please.

15 MR. CARNEY: The argument is based on the rule of
16 verbal completeness, your Honor.

17 THE COURT: I understand.

18 BY MR. CHAKRAVARTY:

19 Q. Is the date of this thread Tuesday, November 18, 2003?

02:50 20 A. Pardon?

21 Q. Is the date of this thread November 18, 2003?

22 A. Yes.

23 Q. And there's a quote at the beginning of this thread in
24 bold. Do you recognize that?

25 A. Yes.

1 Q. What do you recognize that to be?

2 A. A translation of a verse from the Qur'an.

3 Q. And what does it refer to?

4 A. Well, it refers to the ratio of Muslims to non-Muslims in
5 battle.

6 Q. And is there the identity of the poster?

7 A. Yes.

8 Q. Is that Abu Sabaayaa?

9 A. Yes.

02:51 10 Q. Is this the person you knew online?

11 A. Yes.

12 Q. And then underneath it says, "Chasing the caravan." Do
13 you understand that to be a reference to anything?

14 A. Yes. It appears to be a euphemism referring to a phrase
15 used by an author. Abdullah Azzam wrote a book called, "Join
16 the Caravan."

17 Q. That's Abdullah Azzam, A-Z-Z-A-M?

18 A. Yes.

19 MR. CHAKRAVARTY: Now, can we go to page -- if you
02:51 20 wouldn't mind going to page 2, 3 and then 4.

21 Q. And can we read this post by Abu Sabaayaa? If you
22 wouldn't mind just reading the content portion of this post.

23 A. Sure. "No, it means that the minimum required Muslim to
24 Kaafir ratio on the battlefield was reduced from 1:10 to 1:2.
25 That is, before the abrogation of the verse, a Muslim was

1 required to take up to ten of the disbelievers on the
2 battlefield for himself. But, Allah replaced this with an
3 easier ratio; that is, the ruling is that the Muslim is only
4 required to take up to two disbelievers on the battlefield for
5 himself to fight."

6 Q. And it goes on to page 2. Can you read that portion
7 that's already in bold?

8 A. "But it is still possible that a small group of Muslims
9 can defeat a much larger group of the kuffaar (for example, the
02:52 10 battles of New York and Washington, in which the odds were
11 around 1:150)."

12 Q. What does "kuffaar" mean?

13 A. Disbeliever.

14 Q. "Disbeliever" means a non-Muslim?

15 A. Yes.

16 Q. Now, this post occurred in November of 2003. How long
17 after Abousamra came to visit you?

18 A. This appears to be a few months after -- or not too long
19 after because I think he came around October, I believe. So it
02:53 20 would be not too long after?

21 MR. CHAKRAVARTY: Can we go to Exhibit 446, please.

22 Q. Again, is this a Clear Guidance post starting with January
23 25, 2004?

24 A. Yes.

25 MR. CHAKRAVARTY: Can we go to page 4, please. Again,

1 can we do page 1, 2, 3, 4, just so that the jury can see the
2 context?

3 Q. On January 23, 2004, was there a post by Abu Dujanah?

4 A. Yes.

5 Q. And you mentioned earlier this person you knew as
6 Tarek al-Daour?

7 A. Yes.

8 Q. Do you know where he lived?

9 A. In London.

02:54 10 Q. Okay. And did you have contact with him at some point?

11 A. Yes.

12 Q. And then right after that, same day, there's a post by
13 Abu Sabaayaa again?

14 A. Yes.

15 Q. Can you read this portion?

16 A. "Ibn Hazm sees it impermissible if the child fears the
17 halaak (death, et cetera) of his parents."

18 Q. And in the context of this thread, what was -- "sees it
19 impermissible." What was the "it" they're referring to?

02:54 20 A. It appears they're speaking about going for jihad without
21 the permission of one's parents. When does that permission --
22 when is it required, when is it not required.

23 Q. Go to the next page, please. Please continue reading.

24 A. "Well, we have two different cases of the parents
25 dying/becoming severely ill because of the son's leaving: as a

1 result of nobody being there to care for them (which is more
2 certain) and as a result of the distress caused by the son's
3 leaving them (which is, wallaahu a'lam, much less certain).

4 "Which of the two cases is Ibn Hazm referring to?"

5 Q. So are you familiar with this nuance within Salafi
6 ideology that you had mentioned earlier?

7 A. Yes.

8 Q. Can you explain it to the jury?

9 A. Well, in a situation in which it would be determined that
02:55 10 jihad is individually obligatory on a community, they mention
11 that there is no permission needed from one's parents in order
12 to go and defend against invaders. So this discussion of
13 Ibn Hazm -- he's an ancient jurist -- appears to be talking
14 about if permission will be needed or not if the parents are
15 severely ill and they need the son to take care of them. So
16 it's speaking about a case when jihad will be seen as
17 individually obligatory.

18 Q. And does it draw a distinction between if the son is
19 needed to take care of a severely ill parent versus if just the
02:56 20 leaving is causing that parent distress?

21 A. Yes, that is a distinction it makes.

22 Q. The following post is by Sinaan. Do you know who that is?

23 A. Yes.

24 Q. Who is that?

25 A. Ahmad Abousamra.

1 Q. Does he contribute to the conversation?

2 A. Yes.

3 MR. CHAKRAVARTY: Can we go to page 8 by going to 6,
4 7, 8, please?

5 Q. Then is there another post by Abu Dujanah, still the same
6 day, January 23, 2004?

7 A. Yes.

8 Q. And then another post by Abu Sabaayaa, correct?

9 A. Yes.

02:57 10 MR. CHAKRAVARTY: Can we go to the next page, please?

11 Q. Can you read one?

12 A. "It is also found in 'Join the Caravan' in the
13 'Clarifications' section at the end. Go here" -- then there's
14 a link -- "and scroll down to the section regarding excuses.

15 Q. Now, you mentioned earlier a book by Abdullah Azzam?

16 A. Yes.

17 Q. Are you pretty familiar with "Join the Caravan"?

18 A. Yes.

19 Q. What is that?

02:57 20 A. It was a seminal work that was produced by Abu Azzam, who
21 was responsible for motivating a lot of the Arab world to
22 volunteer and travel to Afghanistan to take part in the jihad
23 against the Soviet Union. So "Join the Caravan" essentially
24 argues that it is individually obligatory upon the entire
25 Muslim ummah, nation, to participate in jihad. So he outlines

1 the legal arguments establishing that.

2 Q. And are you familiar with a section regarding excuses?

3 A. Yes. There's an appendix at the end where he mentions
4 various excuses, and arguments against them.

5 MR. CHAKRAVARTY: I would call up Exhibit 221, please.

6 This is in evidence, your Honor, in the native Arabic.

7 Q. Are you familiar with this document?

8 A. Yes.

9 Q. What do you recognize this to be?

02:58 10 A. This is the Arabic version of "Join the Caravan."

11 Q. Is this what you were just referring to?

12 A. Yes.

13 Q. And is the subject of that Clear Guidance post?

14 A. Yes.

15 Q. So how would you describe Abu Sabaayaa's views at the time
16 on Clear Guidance?

17 A. I didn't have a great deal of interaction with
18 Abu Sabaayaa, Tariq, on Clear Guidance. I don't recall us
19 actually ever engaging in any conversation. But what I learned
02:59 20 about him was --

21 MR. CARNEY: I object.

22 THE COURT: Sustained.

23 MR. CHAKRAVARTY: I'll ask another question.

24 BY MR. CHAKRAVARTY:

25 Q. Did you have interaction with him on -- in any other

1 capacity?

2 A. I don't recall speaking to him.

3 Q. Did you know his true identity at that time?

4 A. At the time of this posting?

5 Q. Yes.

6 A. I didn't know -- I don't recall knowing the name "Tariq,"
7 but I do know Abu Sabaayaa was this person in Boston who was
8 friends with Ahmad Abousamra.

9 Q. Are you familiar with something called "Thawabit 'ala Darb
02:59 10 al-Jihad"?

11 A. Yes.

12 Q. What is that?

13 A. "Thawabit 'ala Darb al-Jihad" is a book written by the
14 former leader of what was then known as al Qa'ida in the
15 Arabian Peninsula by the name of Yusuf 'Uyayri. And it was a
16 small treatise he wrote about the constants of jihad and things
17 that are not subject to variables of time and place.

18 Q. So when you say "constants," it's C-O-N-S-T-A-N-T-S?

19 A. Yes.

03:00 20 Q. And did you have any interaction with that short treatise?

21 A. Yes.

22 Q. What did you do?

23 A. I basically wrote down some of its major points and
24 translated it online through an audio.

25 Q. Are you aware of whether that audio was recorded at any

1 point?

2 A. Yes.

3 MR. CHAKRAVARTY: Could we call up Exhibit 793, which
4 is also in evidence, something -- a list of downloads from the
5 defendant's computer?

6 If you would go to page 10, please?

7 Q. Can you read the file name of what I just highlighted?

8 A. "Thawaabit Ala Darb Al Jihad Abul-Muthanna (Part 1) mp3."

9 Q. And who was Abul-Muthanna?

03:01 10 A. That was my user name on Clear Guidance.

11 Q. And does this appear to be the audio file of that lecture
12 that you gave?

13 A. Yes.

14 Q. Do you know whether anyone else did a version of this
15 lecture?

16 A. I learned later on that there was a recorded lecture
17 series on the same book done by Anwar al-Awlaki.

18 Q. Can you spell Anwar al-Awlaki?

19 A. Yes. First name: A-N-W-A-R, then A-L - A-W-L-A-Q-I, I
03:02 20 believe.

21 Q. Do you know who he was?

22 A. He was formerly an imam at a mosque in Virginia, then
23 later left the United States and became very well known in the
24 online community for giving talks on jihad and encouraging
25 jihad and these things.

1 Q. Do you know whether there was affiliation he had with
2 al Qaeda?

3 MR. CARNEY: I object, your Honor.

4 THE COURT: Sustained at this point.

5 MR. CHAKRAVARTY: Can we call up Exhibit 348, please.

6 This is also in evidence as an email, your Honor.

7 BY MR. CHAKRAVARTY:

8 Q. Is the subject of this email "Anwar al-'Awlaqi sharh of
9 Thawabit"?

03:02 10 A. Yes.

11 Q. And what does "sharh" mean?

12 A. Commentary.

13 Q. And is this from Tarek Mehanna ibnul_Khattab82@yahoo.com?

14 A. Yes.

15 Q. And is it to several people, including the first, Ahmad
16 Abousamra, ahmadas81@yahoo.com?

17 A. Uh-huh.

18 Q. I'm sorry. Just for the record, can you answer "yes" or
19 "no"?

03:03 20 A. Yes.

21 Q. And does it lead with "Anwar al-Awlaqi does a six-part
22 explanation of Shaykh Yusuf al-'Uyayri's 'Thawabit 'Ala Darb
23 al-Jihad"? Is that the same series you had done a sharh on?

24 A. Yes.

25 MR. CHAKRAVARTY: Can we go to Exhibit 574, please?

1 Q. Does this appear to be a stored instant message chat
2 session between a person named Sayf Maslool and Ahmad Rashad on
3 February 28th of 2006?

4 A. Yes.

5 MR. CHAKRAVARTY: Would you go to the next page,
6 please? Next page? Next page?

7 Q. Does Sayf Maslool --

8 MR. CARNEY: I object, your Honor.

9 THE COURT: Let me see you.

03:04 10 MR. CARNEY: I would ask that the whole chat be read
11 rather than taking three lines on a multipage chat.

12 MR. CHAKRAVARTY: This is really offered for two
13 lines, your Honor, just to explain the transposition of one
14 word.

15 MR. CARNEY: I submit that it's necessary to put this
16 in context --

17 THE COURT: Let me see you at the side.

18 (Discussion at sidebar and out of the hearing of the
19 jury:)

03:05 20 THE COURT: Do you have the document?

21 MR. CHAKRAVARTY: I don't. I'm sorry.

22 MR. CARNEY: Exhibit 574?

23 MR. CHAKRAVARTY: 574.

24 The purpose for reading this chat is going to be those
25 few lines where the defendant describes the document where he's

1 talking about as "thawabit 'ala darb al-peanut butter." And
2 it's simply to clarify beyond any doubt that he uses "peanut
3 butter" as a transposition for the word "jihad."

4 (Pause.)

5 THE COURT: So where is the passage you want?

6 MR. CHAKRAVARTY: Right here.

7 (Pause.)

8 THE COURT: Well, the whole thing isn't necessary to
9 make that complete -- or understood in context. It seems to be
03:07 10 a different topic. But there may be something more --

11 MR. CARNEY: What I object to, your Honor, is what the
12 government is doing with the Clear Channel -- or Clear
13 Guidance, rather -- where there was a long thread of
14 conversations that the defendant is reacting and responding to,
15 and the government pulls out a couple of sentences and says,
16 "Well, look what that says," instead of putting it in its
17 entire context. Similarly, here the person is in the context
18 of having a chat with a friend. It's the exact equivalent of a
19 conversation. He gets to something, and they want to point out
03:07 20 he used this one line. The jury doesn't have the context of
21 the whole conversation of what they're talking about unless
22 they hear it.

23 The whole thing is coming into evidence --

24 THE COURT: Well --

25 MR. CARNEY: -- and they should hear the whole thing.

1 THE COURT: -- I don't think that's the rule of verbal
2 completeness. I think that is a different matter, which is to
3 put in context what might be, in itself, a complete topic.

4 MR. CARNEY: Your Honor is correct. You're correct.

5 THE COURT: But I think that's really something that
6 can be pointed out on cross. You can point out that this is a
7 seven-page 256-line chat and they've selected only three lines,
8 and the jury should --

9 03:08 10 MR. CARNEY: So your Honor would permit the entire
chat to be read, then, during cross-examination?

11 THE COURT: If you want to do it.

12 MR. CARNEY: Okay. That's what we'll do.

13 MR. CHAKRAVARTY: Your Honor, just in the interest of
14 logistics --

15 MR. CARNEY: I'm happy to do that. You play
16 three -- you read two lines and I'll read ten pages.

17 MR. CHAKRAVARTY: As we have done, we are more than
18 willing, in context, to read extra lines if it will facilitate.
19 But when we're offering literally the transposition of one
03:08 20 word, to read the entire chat for that reason seems to be,
21 frankly, wasteful.

22 MR. CARNEY: Good point. My solution is: Don't offer
23 it.

24 MR. CHAKRAVARTY: Then we wouldn't have a trial.

25 THE COURT: The whole exhibit is in evidence itself.

1 MR. CARNEY: Yes, it is, your Honor.

2 THE COURT: Okay.

3 MR. CARNEY: Thank you.

4 (In open court:)

5 BY MR. CHAKRAVARTY:

6 Q. Mr. Pippin, we were just talking about this thawabit
7 document that you had translated. In this chat section
8 Sayf Maslool says, "Have you heard the explanation of 'Thawabit
9 'ala Darb al-Constants of the Path to Peanut Butter by Shaykh
03:09 10 Yusuf?"

11 And then the participant in the conversation said,
12 "No, only one of the tapes worked," and then Sayf Maslool says,
13 "Okay." Did I read that correctly?

14 A. Yes.

15 Q. Is there such a document?

16 A. It's Thawabit 'ala Darb al-Jihad, not 'ala Darb al-peanut
17 butter.

18 Q. So "peanut butter" is being used here as a transposition,
19 a substitute for "jihad"?

03:10 20 A. Yes.

21 Q. Okay. Now, I'm going to bring you back to your meeting
22 with Ahmad Abousamra in 2003. Did he tell you anything about
23 his personal life?

24 A. Yes.

25 Q. What did he tell you?

1 A. He mentioned to me that he was married to a woman from
2 Iran and that he eventually -- he divorced her.

3 Q. Were there things that he didn't want to talk about
4 online? Sorry, again, you have to --

5 A. Yes.

6 Q. -- articulate "yes" or "no."

7 And did he tell you precisely what they were?

8 A. The issues regarding his personal life?

9 Q. No. I'm sorry. The purpose for his trip.

03:11 10 A. Well, the intention, again, was to get more details about
11 finding out the contacts in Yemen that could help him find a
12 place where he could train for jihad.

13 Q. What language was your conversation in?

14 A. Mostly in English but sometimes in Arabic.

15 Q. Did he appear to be proficient in Arabic?

16 A. Yes.

17 Q. Did you receive the type of training that he was seeking?

18 A. Yes.

19 Q. Did you receive the type of training that he was asking
03:11 20 you for contacts for?

21 A. Yes.

22 Q. Okay. What type of training was that?

23 A. Basic paramilitary training.

24 Q. Where did you receive your training?

25 A. Pakistan.

1 Q. In Yemen had you received that training?

2 A. No.

3 Q. So did you have the contacts to provide him with regards
4 to obtaining that training in Yemen?

5 A. One possible contact, yes.

6 Q. Okay. And what was that one possible contact?

7 A. Essentially, I had a contact from the United States for
8 getting to the school in Ma'rib where I studied, and on my way
9 there I was given a ride and stayed briefly at the house of a
03:12 10 relative of the teacher at that school. And that relative,
11 being he's an Egyptian who migrated to Yemen after the
12 Afghanistan war, was still -- he was presumably a Jihadi Salafi
13 based on the relationship between him and Abul Hasan
14 al-Ma'ribi, the head of the school, who was not a
15 Salafi-Jihadi. So he had, presumably, contacts because he
16 still had affiliations with the salafi jihadis in Yemen.

17 Q. So you didn't know anybody who could provide military
18 training yourself, but you thought that this person might?

19 A. No. The way things work in the Arab world, and especially
03:13 20 Yemen, is that you have to have contacts for everything. So if
21 you have a contact with this man, given his experiences in
22 earnest and given his contacts in Yemen among the Afghan
23 veterans, among the Arabs who migrated to Yemen, he was the
24 best bet for finding people and places to go for that type of
25 training.

1 Q. Did you ever tell Abousamra that you personally knew where
2 he can find a terrorist training camp in Yemen?

3 A. No, I just mentioned to him this possible contact who
4 would know.

5 Q. And how did you describe this person?

6 A. He was an older Egyptian man in his 40s, a veteran of the
7 Afghan jihad in the '80s, and he was either -- well, he was the
8 brother-in-law of the teacher in the school in Ma'rib, of Hasan
9 al-Ma'ribi.

03:13 10 Q. And did you describe anything about his physical
11 description?

12 A. Yes. Very tall, large Egyptian man.

13 Q. Did you tell him about what the person did for a living?

14 A. Yes. I mentioned that he ran a perfume shop selling
15 perfumes and honey and odds and ends like that.

16 Q. Did you give Abousamra any other advice?

17 A. I gave him basic advice about the best way to go about
18 entering Yemen and how to avoid having problems in the airport.

19 Q. Okay. Before we move on to that, aside from referring him
03:14 20 to this potential Egyptian man, did you also give him another
21 contact?

22 A. Yes. I mentioned the name of one teacher in another part
23 of Yemen, named Abdullah al-Ahdal, as a possible contact.

24 Q. And was this somebody you had met?

25 A. No.

1 Q. So as unlike the first person you had met, this was just
2 somebody you knew of?

3 A. Right.

4 Q. What did you know of this person?

5 A. This was someone that I knew just from online as a teacher
6 in another part of Yemen who had -- was salafi jihadi in his
7 inclinations and his beliefs. And it was thought that if the
8 other contact was not successful, then given his inclinations
9 and his beliefs, and him being a teacher and having contacts in
03:15 10 society, he would possibly be of help.

11 Q. Okay. And can you spell his name?

12 A. A-B-D-U-L-L-A-H; second name: A-L - A-H-D-A-L.

13 Q. Al-Ahdal?

14 A. Yes.

15 Q. While Abousamra was meeting with you, did he tell you
16 about prior attempts that he had made to obtain this type of
17 training?

18 A. Yes.

19 Q. What did he say?

03:15 20 A. He mentioned that he traveled not long after 9/11 to
21 Peshawar, Pakistan, and was attempting to go to Afghanistan
22 from there, but he was turned back because he didn't have
23 training.

24 Q. Did he say where he went in -- not just what town, but
25 from whom he attempted to get this training?

1 A. Well, he mentioned -- he mentioned that he went to
2 Peshawar. He mentioned that he had sought some contacts out
3 there, and presumably, from the Arab Afghan veterans that were
4 still there, in Peshawar at the time.

5 Q. Did you tell him about your experience?

6 A. Yes.

7 Q. What did you tell him?

8 A. I mentioned to him about Lashkar-e-Tayyiba and the nature
9 of their training and the ins and outs of daily life there and
03:16 10 how they do things.

11 Q. And did he respond to that?

12 A. Yes.

13 Q. What did he say?

14 A. Well, he mentioned that because he was turned away from
15 Peshawar, and -- from going to Afghanistan because of his lack
16 of training, that he then went subsequently to
17 Lashkar-e-Tayyiba seeking training out from them, but they also
18 turned him back because he was an Arab. And at that time in
19 Pakistan the Arabs were being rounded up, so it was not safe
03:17 20 for them, so they turned away.

21 Q. Did you tell him that you had met with the leader of
22 Markaz Da'wah al-Irshad?

23 A. Yes.

24 Q. Did he tell you anything about his relationship with that
25 person's nephew?

1 A. I vaguely recall, but I don't remember anything.

2 Q. Why was -- why were you discussing Yemen as an alternative
3 to getting training?

4 A. Well, because, for one, it was next to impossible for
5 someone of Arab descent to get training in a place like
6 Pakistan or Afghanistan or those regions because Arabs stick
7 out. So Yemen was the logical alternative given the nature of
8 society, and Yemen being generally lawless in the tribal areas
9 and given the presence of many Afghan veterans from different
03:18 10 Arab countries that were still living there, and also given its
11 proximity to Iraq.

12 Q. Now, at the time of this conversation what was your
13 mindset with regards to fighting in jihad yourself?

14 A. I believed, as he did, that it was an individual
15 obligation.

16 Q. Did he ask you to join him?

17 A. Yes.

18 Q. Did you say whether you would go with him?

19 A. I declined. I said no.

03:18 20 Q. Why?

21 A. I cited to him family reasons and job reasons, things like
22 this.

23 Q. Did he say what he intended to do with the training he
24 got?

25 A. He wanted to get the training to go to Iraq.

1 Q. Did you discuss why Iraq was the appropriate place to
2 engage in jihad?

3 A. Yes, we discussed this. Basically, for two reasons:
4 Number one, he's Arab, and because he wouldn't have an easy
5 time going around Pakistan giving his Arabic descent, it will
6 be easier for him to train in Yemen and then go to Iraq as an
7 Arab who would blend in the society and not arouse suspicion or
8 give attention. That's the first reason.

9 The second reason is because of just the nature of the
03:19 10 fighting at the time because of the forces in Afghanistan and
11 the American forces in Iraq. Ahmad Abousamra was under the
12 view that it was more virtuous to fight against the Americans
13 in Iraq as opposed to fighting the Afghan forces that were
14 under the Americans in Afghanistan who were doing the bulk of
15 the fighting against the fighters there. He believed that it
16 was more virtuous to fight against the Americans because they
17 were, as he termed, kaffir osli (ph), someone who is a
18 disbeliever from his birth -- just raised as a disbeliever, is
19 a non-Muslim -- as opposed to someone like an Afghan fighter
03:19 20 who would be an apostate.

21 Q. Were you drawing a distinction in 2003 between the new
22 Afghan National Army --

23 A. Yes.

24 Q. -- versus the American soldiers who were in Iraq?

25 A. Yes.

1 Q. What are your views about you personally going to Iraq?

2 A. No, I never entertained the idea because of the fact that
3 I'm white. I'd stick out like a sore thumb. I'd have more
4 chance of being in a beheading video rather than actually
5 successfully getting there. So I never entertained the idea
6 because it seemed simply impossible.

7 Q. Did he tell you about any plans that he had to go with
8 other people?

9 A. It was very vague. He wanted me to go with him, but it
03:20 10 wasn't entirely clear what his exact plans were in terms of who
11 he was going with or dates and things like that.

12 Q. So did he tell you when he planned to go?

13 A. He gave me like a general time when he was going, and he
14 was encouraging me to hurry up and try to go with him, which I
15 declined on numerous occasions.

16 Q. While he was meeting with you, did he describe his
17 relationship with Abu Sabaayaa?

18 A. Yes.

19 Q. How did he describe it?

03:21 20 A. He described him as a friend, as a part of a circle of
21 friends, of like-minded individuals, who shared the same
22 beliefs regarding these issues.

23 Q. Did Abousamra indicate -- or give any indication that he
24 was going to Yemen for reasons other than obtaining military
25 training?

1 A. No.

2 Q. Did he mention learning Arabic?

3 A. No.

4 Q. Did he mention programs in Islamic studies?

5 MR. CARNEY: I object, your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: Can you repeat your question?

8 BY MR. CHAKRAVARTY:

9 Q. Did he mention any programs in Islamic studies?

03:21 10 A. No.

11 Q. Did he mention --

12 MR. CARNEY: I object, your Honor. If he wants to ask
13 the question, "What did he mention," that's fine, but leading
14 the witness in this way?

15 THE COURT: Overruled.

16 BY MR. CHAKRAVARTY:

17 Q. Did he mention looking for a wife or searching for women?

18 A. No.

19 Q. You mentioned earlier that you had a conversation about
03:22 20 helping him to avoid hassles or detection. Describe what that
21 was.

22 A. Basically, I had advised him to travel to Yemen through
23 the airport in Sayun, on the eastern part of Yemen, as opposed
24 to traveling directly through Sana'a, given the difficulties
25 many foreigners have when they come through Sana'a, and also,

1 advised him to say that -- if they're asking him about where
2 he's going, what he's doing, to say that he's visiting Dar
3 al-Mustafa School.

4 Q. Okay. So is that a cover story?

5 A. Essentially.

6 Q. Dar al-Mustafa, can you spell that?

7 A. D-A-R A-L - M-U-S-T-A-F-A.

8 Q. And why did you tell him to offer that as a cover story?

9 A. Because Dar al-Mustafa was recognized as being apolitical
03:23 10 and diametrically opposed to the ideology of the Salafi-Jihadis
11 in general, and they were not seen as against the government or
12 opposing the government.

13 Q. What ideology was prevalent at Dar al-Mustafa?

14 A. Well, others will say that they're Sufis, but we would
15 just say that they're classical Sunnis.

16 Q. Okay. And Sufi is a sect of Islam?

17 A. I wouldn't say it's a sect, but it's a stream.

18 Q. Based on what you knew of Abousamra at the time, is it
19 possible he could have genuinely wanted to go to Dar
03:24 20 al-Mustafa?

21 A. No.

22 Q. Why not?

23 A. Because he believed that the people involved in Dar
24 al-Mustafa were not Muslims to begin with; they were apostates
25 because they were grave-worshippers, worshipping other than

1 God.

2 Q. At the time were you aware of what kind of a program of
3 study there was at Dar al-Mustafa?

4 A. Yes.

5 Q. What was that?

6 A. At that time there was a ten-year program, the detailed
7 program, and then they also had other programs of varying
8 lengths.

9 Q. Why were you familiar with Dar al-Mustafa at that time?

03:24 10 A. Well, I've known some people who had connections there,
11 who had studied there or who had family who was there.

12 MR. CHAKRAVARTY: Call up Exhibit 8, which is also in
13 evidence from the defendant's residence.

14 Q. Do you recognize this?

15 A. Yes.

16 Q. I'll zoom in a little bit here. What is this document?

17 A. It appears to be a frequently asked questions page on
18 their website defining the goals and objectives of Dar
19 al-Mustafa and their curriculum.

03:25 20 Q. And is this the Dar al-Mustafa that you were referring to
21 to Ahmad Abousamra?

22 A. Yes.

23 Q. And, again, in English is there a web address as well as a
24 date on this document?

25 A. Yes.

1 Q. The date is January 30, 2004?

2 A. Yes.

3 MR. CHAKRAVARTY: You can clear that.

4 Q. Where was Dar al-Mustafa located?

5 A. It's located in a city called Tarim in Hadramawt province.

6 MR. CHAKRAVARTY: Can we bring up 749 again?

7 Q. Is that in this area on 749?

8 A. Yes.

9 Q. Did you tell Abousamra about your experiences in Yemen?

03:26 10 A. Yes.

11 Q. What did you tell him?

12 A. I told him about my studies in hadith and various
13 experiences in Yemen.

14 Q. Did that include any military experiences?

15 A. No.

16 Q. Why were you providing this assistance to Abousamra?

17 A. It was my understanding that he wanted to pursue training
18 and go for jihad. So seeing that at the time I believed it was
19 an individual duty, it was my way of pointing out to him the
03:26 20 way that he could fulfill that.

21 Q. Now, as the weekend wore on, did you go out to eat with
22 him? Did you travel around a little bit with him?

23 A. Yes.

24 Q. And did you talk about other things aside from just the
25 contacts in Yemen?

1 A. Yes.

2 Q. And were they similar to the conversations that you had
3 online?

4 A. Yes.

5 Q. At the end of the weekend did he give you anything?

6 A. Yes.

7 Q. What did he give you?

8 A. He gave me money, \$5,000.

9 Q. Why did he give you money?

03:27 10 A. Well, it was unsolicited. And he mentioned it was for me,
11 to help me and to take care of my needs if I was going to go
12 with him, at which I said that I'm not taking this money with
13 that understanding because I'm not able to go, I'm not in a
14 position right now. But he demanded that I keep the money.

15 Q. You just mentioned that he had asked you to go. What was
16 your response to him in terms of his asking you to accompany
17 him?

18 A. Oh, I said that I can't. I have family issues. I have
19 work. And besides, I didn't need any training because I
03:27 20 already received it in Pakistan.

21 Q. Okay. I guess what I'm trying to clarify is: Were you
22 clear about that you weren't going to go with him or was there
23 some hope that you left that you would?

24 A. There was encouragement from him, constant calling and
25 trying to encourage me, and me telling him, "I'm going to go at

1 a later time. I'm going to leave whenever I get my things
2 straight." But he was eventually convinced that I'm not going
3 to go and that I'm not leaving with him.

4 Q. Did he tell you from whom this \$5,000 was from?

5 A. Well, he mentioned -- I don't recall whether he mentioned
6 the person's name directly at that time or his kunya online,
7 but it was Ibn Abishaiba.

8 Q. And was this one of the people in the Boston crew?

9 A. Yes.

03:28 10 Q. Did you tell him what the purpose of your planned trip to
11 Yemen was going to be?

12 A. I didn't go into a lot of detail. It was understood that
13 either I would go to Dar al-Mustafa or I would go to the school
14 Abdullah al-Aqel, but I didn't really discuss the Dar
15 al-Mustafa issue with him, but I discussed going to Abdullah
16 al-Aqel school upon arrival in Yemen.

17 Q. If you did mention that you were going to go to Dar
18 al-Mustafa, how would that have affected your relationship with
19 him?

03:29 20 A. Well, I didn't, at the time, see eye to eye with him
21 either, but I had contacts there through family members of
22 people who were studying, so there was an interest based on
23 the -- there was an interest to go there even if for a short
24 time. But had I mentioned that, it probably would have
25 resulted in an argument of some sort.

1 Q. Because that was contrary to your views at the time?

2 A. Yes, it was contrary to my views at the time as well as
3 his.

4 Q. Okay. He left you in Sacramento?

5 A. Yes.

6 Q. And then did you have contact with him after that?

7 A. Yes.

8 Q. How did he contact you?

9 A. Through the phone.

03:29 10 Q. And, again, you had exchanged phone numbers or he had your
11 phone number?

12 A. We exchanged phone numbers.

13 Q. How many times did you have contact with him after he left
14 you?

15 A. I would say a dozen times.

16 Q. Was he asking you for something when he called you?

17 A. Yes.

18 Q. What?

19 A. He was asking me about any further contacts that I might
03:30 20 find out about that I can give him, or people whose names and
21 addresses I could provide for him when he goes to the airport,
22 to mention that he has people that he would be staying with
23 when he arrives. So he would call about that from time to time
24 asking if there was any progress, and I would, at times, look
25 into the issue and ask around about anyone who's living in that

1 area who he might be able to use as a name or address for when
2 he goes to the airport.

3 Q. Did you ultimately follow up with people to give him
4 contacts?

5 A. From time to time. I didn't make a great effort out of
6 it, but some.

7 Q. And did you provide him with any additional information?

8 A. I told him -- I contacted someone I knew from Yemen who
9 was living in the United States who was from Hadramawt, from
03:31 10 that region, and I asked him about any contact we could use
11 from his family to use in the airport.

12 Q. Is there a term for when somebody is from the area of
13 Hadramawt in Yemen?

14 A. Yeah, you call that person a Hadrami.

15 Q. Hadrami, H-A-D-R-A-M-I?

16 A. H-A-D-R-A-M-I, yes.

17 Q. Now, between the time he left you in Sacramento, did you
18 learn whether he actually left to go to Yemen?

19 A. Yes.

03:31 20 Q. Did you learn before he returned from Yemen?

21 A. Yes.

22 Q. Okay. How?

23 A. It was online, through an online chat with someone, from
24 what I recall. I was told that he left for Yemen.

25 Q. Did you know with whom he had left?

1 A. It wasn't clear to me.

2 Q. At some point did you resume contact with Abousamra?

3 A. Yes.

4 Q. When?

5 A. This was in the spring of 2004.

6 Q. And what kind of contact did you have?

7 A. Yeah, I was at school. And there was a planning period,
8 so I opened up the computer to check my emails and stuff, and
9 he appeared on the instant messenger -- on the instant
03:32 10 messaging -- and I was taken by surprise. So we got to talking
11 and he informed me.

12 Q. Why were you surprised? I'm sorry.

13 A. Because it had been such a long time since I had last
14 heard from him, and then I thought that he had traveled. So to
15 hear from him like that all of a sudden was a bit of a shock.

16 Q. Continue.

17 A. Yes. So he informed me that he had ventured to Yemen and
18 was unsuccessful in finding contacts. That the Egyptian man
19 that I recommended him to said that there's basically nothing
03:33 20 there anymore, all of that is done, finished with, in terms of
21 finding training and anything of the sort, and that he went to
22 Abdullah al-Aqel school, or mosque, in the eastern part of
23 Yemen, and that was also unsuccessful in finding any -- using
24 him for any contact.

25 And then he mentioned that he had then traveled to

1 Iran. Then he mentioned the details of some of the people that
2 he was associating with there and how he and they did not see
3 eye to eye and they didn't really get along, so he ultimately
4 left.

5 Q. So he left the area? He didn't go to -- strike that.

6 When you say "he left," what do you mean?

7 A. He left from Iran and returned to America.

8 Q. Did he tell you about any travel he made to Iraq?

9 A. No.

03:33 10 Q. Did he tell you about anywhere else in the Middle East
11 that he traveled to?

12 A. No.

13 Q. How many times did you have a conversation with Abousamra
14 after he returned from Yemen about Yemen?

15 A. I believe that was the only time.

16 Q. At some point after that conversation, as you alluded to,
17 did you try to go to Yemen?

18 A. Yes.

19 Q. When?

03:34 20 A. In August of 2004.

21 Q. And for what purpose?

22 A. To go for studying.

23 Q. And particularly, where?

24 A. Oh, either I was looking at Dar al-Mustafa or preferably
25 the school of Abdullah al-Aqel.

1 Q. Which is the same place you had referred Abousamra to?

2 A. Yes.

3 Q. And at the time were you still a Salafi-Jihadi?

4 A. Yes.

5 Q. What happened when you tried to go?

6 A. Well, there was a bit of a delay in getting my visa due to
7 some technicalities, but I'd already purchased a plane ticket
8 to go. So in the last minute I decided that instead of waiting
9 for my contact, Dar al-Mustafa, to receive my passport and to
03:35 10 send back the stamp to get the invitation, that I would just go
11 and try to get the visa myself. So I flew to the Emirates
12 directly with that ticket and tried to get the visa there from
13 the Yemen Embassy and was ultimately unsuccessful, so then I
14 traveled to neighboring Amman, took a bus there and tried the
15 embassy there, and was also unsuccessful.

16 Q. You didn't try to just go across the border?

17 A. No. No.

18 Q. What did you do?

19 A. Well, I was exploring other means. I was looking into
03:35 20 whether it was possible to cross at the land border, but then I
21 found out that that was not possible so I didn't even bother
22 trying. And at that point I was considering my options.
23 Seeing that I did not bring in my teaching contract, and then I
24 was no longer married and had no other responsibilities, so I
25 was talking to some old friends of mine that had moved to

1 Finland, and we got to talking and I decided I would come pay
2 them a visit during that time.

3 Q. And you stayed there for the next five years?

4 A. Yes.

5 Q. Now, after your conversations with Abousamra back in 2003
6 and 2004, did you have contact with Abu Sabaayaa again?

7 A. Yes.

8 Q. Did you ever meet the real person who was Abu Sabaayaa in
9 person?

03:36 10 A. No.

11 Q. But you had online contact?

12 A. Yes.

13 Q. In what capacity?

14 A. What I recall, there was someone else, a third party, who
15 had started a small, little, miniature forum, private forum,
16 through emails, so there was just discussions about different
17 topics. Because I'd undergone, like, my own changes, my own
18 reassessment. And I was talking with a third party about these
19 things. So we started doing this as a small, little forum
03:37 20 through email. So I received some questions from Abu Sabaayaa
21 from other issues.

22 Q. And was that when you associated the name "Abu Sabaayaa"
23 with Tarek?

24 A. Yes.

25 Q. Now, aside from what we've discussed today, did you have

1 any reason to believe that Tarek had met you if you had not
2 knowingly met him?

3 A. No.

4 MR. CHAKRAVARTY: Can we call up Exhibit 717, which is
5 in evidence, your Honor. Again, this is one of these stored
6 chat sessions, the participants Sayf Maslool and Taimur. This
7 one happens to be April 9, 2006.

8 Q. If we can just read through this chat. I will adopt the
9 first speaker, in this case, Taimur; if you'd read the verbiage
03:38 10 after Sayf Maslool?

11 MR. CARNEY: I object and ask to approach, please?

12 THE COURT: Okay.

13 (Discussion at sidebar and out of the hearing of the
14 jury:)

15 MR. CARNEY: I object, your Honor, because the
16 prejudice of this chat is more -- is far outweighing the
17 minimal probative value. This is describing a video that
18 includes a helicopter being shot down and the bodies of the
19 pilots being dragged through streets.

03:39 20 MR. CHAKRAVARTY: He's going to describe this witness,
21 and it will stop right before that. It's the blonde-haired
22 blue-eyed guy from Georgia who went to Kashmir.

23 THE COURT: You're picking up from the first page?
24 Let me see that.

25 MR. CARNEY: Yes, your Honor.

1 (Pause.)

2 MR. CARNEY: Well, maybe I'm confused. If this chat
3 has been marked as 717 and he's only reading a portion of it,
4 I'm under the impression the entire chat goes to the jury.

5 MR. CHAKRAVARTY: You're right to be under that
6 impression. I just wouldn't be highlighting the rest of the
7 chat.

8 MR. CARNEY: So that the jurors will have this
9 language about dragged the pilots through the street?

03:40 10 MR. CHAKRAVARTY: Yes.

11 MR. CARNEY: Well, that's not --

12 MR. CHAKRAVARTY: That's the subject of what the
13 indictment is: He conspired to kill Americans.

14 MR. CARNEY: No. No, that's acting underhanded.

15 I would ask that that be excluded. If the government
16 only wants the witness to read something not including that,
17 then what the witness is reading should be the only part that
18 goes into evidence with the jury --

19 MR. CHAKRAVARTY: I don't think that's appropriate,
03:41 20 your Honor.

21 MR. CARNEY: -- which is the impression I had.

22 THE COURT: Well, I think this is probably one of
23 those exhibits that was admitted as generally relevant and then
24 if we needed to address specific 403 issues.

25 MR. CARNEY: Which I'm raising.

1 THE COURT: Right. I get that. But the fault
2 position is that they're in unless they're out.

3 MR. CARNEY: Right, your Honor.

4 THE COURT: So this is in, and now the question is
5 should it come out.

6 MR. CARNEY: I apologize for making that comment.

7 Your Honor is correct about that. I just
8 misinterpreted when the government said "we only want this part
9 to come before the jury."

03:41 10 THE COURT: Who's Taimur?

11 MR. CHAKRAVARTY: Taimur is one of his contacts from
12 Jersey who -- the evidence has been that he tried to
13 indoctrinate him. He's a young guy. That they tried to
14 indoctrinate.

15 THE COURT: Yeah, I've seen that.

16 Well, since it's been raised -- we don't have to
17 necessarily interrupt the examination if it's not going to be
18 part of the witness's testimony, so...

19 MR. CHAKRAVARTY: It's the government's position that
03:42 20 the portion where the defendant is encouraging, in this case
21 Taimur, to view -- and he's describing with some happiness the
22 fact of killing American soldiers, is relevant to the purpose
23 for -- or the objectives for the conspiracy and what he's
24 encouraging this person, Taimur, to think and act upon.

25 THE COURT: I think this is like a lot of the other

1 things. I think it's relevant to the government's theory.

2 MR. CARNEY: Your Honor, I also think it's like a lot
3 of the other things, and it's called "piling on."

4 THE COURT: Okay. Well, I won't strike it.

5 MR. CARNEY: May I have one moment, your Honor,
6 please?

7 THE COURT: Yeah.

8 (Counsel confer off the record.)

9 MR. CARNEY: Thank you, your Honor.

03:43 10 (In open court:)

11 BY MR. CHAKRAVARTY:

12 Q. If we could just read through this communication. Taimur
13 says, "There is another speaker who gives a discussion on
14 Thawabit. This brother posted on Upsonsunnah. I have it. It's
15 by Abul Muthanna."

16 Before you continue to read, who is Abul Muthanna?

17 A. That's my user name for Clear Guidance.

18 Q. And Thawabit, is that that document you were referring to
19 earlier?

03:43 20 A. Yes.

21 Q. If you could continue?

22 A. "Hehe. Yes. Good brother."

23 Q. "Laugh out loud. So you know him?"

24 A. "Hehe. Yeah. He isn't around anymore."

25 Q. And then there's a bit of a wink?

1 A. Yeah.

2 Q. "Shahid" -- and does that mean martyr?

3 A. Yes.

4 Q. -- "locked up?"

5 A. "On his way to being shahid in sha Allah."

6 Q. "In sha Allah" means "Allah willing"?

7 A. Yes.

8 Q. "Word."

9 A. "He's a white American."

03:44 10 Q. "From U.S., U.K.?"

11 A. "From U.S., Georgia."

12 MR. CHAKRAVARTY: Next page, please?

13 Q. "MashAllah," or God bless, "laugh out loud, nice."

14 A. "Blonde haired."

15 Q. "Brother."

16 A. "Blue-eyed."

17 Q. "Subhan'Allah."

18 A. "Studied like everywhere, Pakistan, et cetera."

19 Q. "Yeah. Nice."

03:45 20 A. "Did some stuff in Kashmir."

21 Q. "Cool. I finished milestones."

22 Who are they discussing in this conversation?

23 A. Me.

24 Q. Had you ever met the defendant?

25 A. No.

1 Q. Did you ever tell him that you went to Pakistan and
2 Kashmir?

3 A. No.

4 Q. Did you tell him that you translated this document
5 "Constants"?

6 A. No.

7 MR. CHAKRAVARTY: If you would go to Exhibit 583,
8 please.

9 Mr. Groharing just -- I'm sorry. For the benefit of
03:45 10 the Court, Mr. Groharing had emphasized certain parts of this
11 communication earlier this morning.

12 Q. This is a chat session on ibnul_khattab82@yahoo.com and
13 Ahmad AS on April 1, 2006. I'm going to ask you about a
14 different portion right up here.

15 Ahmad AS -- Ahmad Abousamra -- said, "Since Abul M
16 started the whole TP thing" -- and then what's written in
17 Arabic after that?

18 A. Al-aqil illah (ph).

19 Q. What does that mean?

03:46 20 A. One who lives impoverished, or poor, unto his lord, or
21 unto God.

22 Q. And what does he say?

23 A. "Oh, no. I asked them. They don't."

24 Q. "What about Abul M's ex-wife?"

25 A. "She told me that the last she heard he had graduated."

1 Q. "I'm just wondering if there is a way he can help us study
2 fiqh," or jurisprudence.

3 A. "He didn't get his degree, he just graduated. But she has
4 no idea from what college. But it was somewhere near Qat,
5 like, exactly."

6 Q. So it says "Abul M." Who is that?

7 A. That would refer to Abul-Muthanna, my user name.

8 Q. And it says "Abul M's ex-wife"?

9 A. Yes.

03:47 10 Q. Are you aware of whether your ex-wife had any contact with
11 Abu Sabaayaa or Ahmad Abousamra?

12 A. No.

13 Q. Was she of the same mindset as you when you were married?

14 A. Yes.

15 Q. Did you attend a school between 2004 and 2006 at where you
16 graduated?

17 A. Not in Yemen.

18 Q. And the last time you talked to Ahmad Abousamra, he
19 thought you were going to Yemen, right?

03:47 20 A. Yes.

21 Q. It says, "Somewhere near Qat," Q-A-T. Do you know what
22 "Qat" is?

23 A. Qat is, like, a narcotic widely consumed in Yemen and East
24 Africa. It would be a euphemism for Yemen.

25 MR. CHAKRAVARTY: Could we go to page 4, please?

1 Please 5, please. Sorry.

2 Q. To clarify it says, "Do you think Abul M gave him that
3 idea?" In this portion is, again, Abul M referring to you?

4 A. Yes.

5 Q. And then it refers to Anwar. Do you know who that's
6 referring to?

7 A. Anwar al-Awlaki.

8 MR. CHAKRAVARTY: Next page, please? Okay. That's
9 it. Thank you.

03:49 10 Q. Now, you mentioned that there was a smaller kind of a
11 forum or discussion group that you were privately participating
12 with the defendant on?

13 A. Yes.

14 Q. What was the subject matter of that?

15 A. On various topics, but our discussion revolved around the
16 issue of voting in democratic elections.

17 Q. And specifically, what was the discussion?

18 A. Whether or not voting in a democratic election constitutes
19 an act of disbelief that will take one outside of the fold of
03:49 20 Islam, or whether one can or cannot do it. It's the fairly
21 standard view among many of those of us of the Salafi-Jihadi
22 ideology that it's absolutely forbidden to vote in any
23 democratic election; in fact, it's considered an act of
24 polytheism that will expel one from Islam.

25 Q. And did you and Tarek Mehanna share views?

1 A. Yes.

2 Q. What was your view?

3 A. Well, my view was that it was not an act of disbelief and
4 that it was permissible.

5 Q. And this is in approximately 2006?

6 A. Yes.

7 Q. And what was Tarek Mehanna's view at that time?

8 A. He seemed to share the same view.

9 Q. Did he describe the consequence of him having that view?

03:50 10 A. Yes. He mentioned that he shared that view on Tibyan
11 forums and was subsequently banned from the site.

12 Q. Based on this voting idea?

13 A. Yes.

14 Q. When you separated or divorced from your ex-wife, do you
15 know whether the FBI went to go speak with her?

16 A. I was informed later on, I think in 2005.

17 Q. And in 2005, did you meet with the FBI?

18 A. Yes.

19 Q. Did you enjoy that meeting?

03:50 20 A. No.

21 Q. Why not?

22 A. Well, it was held in the American Embassy in Finland. And
23 once I was inside, I was not under the -- I did not have the
24 ability to just get up and leave on my own free will, so I was
25 sitting there basically coerced through the whole thing until

1 | they were satisfied and I was able to go.

2 Q. And when we met with you in 2008, did you remind us of
3 that bad experience?

4 A. Yes.

5 Q. And was it different in 2008?

6 A. Yes.

7 Q. Now, in 2001 through 2003 what were your wife's views with
8 regards to the idea of fighting in jihad?

9 MR. CARNEY: I object, your Honor.

03:51 10 THE COURT: Sustained.

11 BY MR. CHAKRAVARTY:

12 Q. Did you discuss fighting in jihad with your wife?

13 A. Yes.

14 Q. And were you supportive of engaging in fighting with U.S.
15 troops at that time?

16 A. Yes.

17 Q. And has your thinking evolved today?

18 A. Yes.

19 Q. How has it evolved?

03:52 20 A. Well, a lot more nuance to these types of issues and a lot
21 more appreciation of our classical Islamic tradition, not just
22 haphazard rulings based on events but grounded in sound
23 scholarship, legal maxims, understanding the situation.

24 Q. Are you also older?

25 A. Yes.

1 Q. Do you have more responsibilities now?

2 A. Yes.

3 MR. AUERHAHN: No further questions, your Honor.

4 CROSS-EXAMINATION

5 BY MR. CARNEY:

6 Q. Good afternoon, Mr. Pippin.

7 A. Good afternoon, sir.

8 Q. I want to begin at an area where the prosecutor ended.

9 Not exactly where he ended, but about how your views have
03:53 10 evolved.

11 A. Uh-huh.

12 Q. How old are you today?

13 A. Thirty-four.

14 Q. So you're about five years older than Tarek --

15 A. Yes.

16 Q. -- if he's 29?

17 A. Yes.

18 Q. You were born in the United States?

19 A. Yes.

03:53 20 Q. You became a convert to Islam when you were about 16 years
21 old?

22 A. Fourteen.

23 Q. I'm sorry. This would have been when you were in high
24 school?

25 A. Yes.

1 Q. And you embraced Islam as the religion of your life?

2 A. Yes.

3 Q. It's fair to say that you had a desire to be a good
4 Muslim, right?

5 A. Yes.

6 Q. To learn and follow the teachings of the Qur'an, right?

7 A. Yes.

8 Q. You wanted to get to know the prophet Mohammad?

9 A. Yes.

03:54 10 Q. You also wanted to read what people who were the
11 companions of the prophet said about --

12 A. Yes.

13 Q. -- what the prophet told people during his life?

14 A. Yes.

15 Q. There are essays called Hadiths that contain statements by
16 the prophet. Is that right?

17 A. Yes.

18 Q. But it's unclear whether all of the Hadiths are accurate
19 so there's a great deal of study to determine --

03:55 20 A. Yes.

21 Q. -- if they are accurate or not?

22 You've been a teacher for a lot of your adult life,
23 haven't you?

24 A. Yes.

25 Q. You've taught classes in schools, haven't you?

1 A. Yes.

2 Q. And these have been Islamic schools --

3 A. Yes.

4 Q. -- on occasion?

5 A. Yes.

6 Q. You've also done tutoring of people on occasion?

7 A. Touring?

8 Q. Tutoring.

9 A. Tutoring? Yes.

03:55 10 Q. Forgive my not making that clear. I did mean tutoring of
11 individual people.

12 So you've gotten to know a lot of young Muslims in
13 your life, right?

14 A. Yes.

15 Q. Sometimes people become a Muslim, as you did, as a convert
16 from a different religion or no religion to Islam, right?

17 A. Yes.

18 Q. In other instances there may have been people born into a
19 family that's Muslim and technically grow up Muslim but don't
03:56 20 really become interested in their faith until their teenage
21 years. Isn't that right?

22 A. Correct.

23 Q. And it's not uncommon for children of Muslims in their
24 late or high school years to begin to explore their Muslim
25 faith. Isn't that right?

1 A. Yes.

2 Q. In your experience is it common for a convert or for
3 someone coming to his faith in his teenage years to initially
4 embrace the Salafi view of Islam?

5 A. I would say it's true for converts and born Muslims alike.
6 They're the same, especially in the 1990s.

7 Q. And the Salafi view -- did I pronounce that correctly?

8 A. Salafi, yeah.

9 Q. Salafi.

03:56 10 The Salafi view is a more conservative view of Islam,
11 isn't it, in many respects?

12 A. Well, it's framed that way but there's other alternative
13 viewpoints that are also conservative, or just as conservative.
14 But, yes, it is conservative in its approach.

15 Q. My question is: Is Salafi conservative?

16 A. Yes, indeed.

17 Q. And people who are embracing that form of Islam often look
18 to the literal words of the Qur'an for guidance, don't they?

19 A. Yes.

03:57 20 Q. And look for what scholars say historically the Qur'an
21 meant. Is that right?

22 A. Give or take. There's some debate on that issue but, yes,
23 generally speaking.

24 Q. And people embracing this will often put greater stock
25 into the literal words of the Qur'an in trying to figure out

1 how to live their lives as a good Muslim, right?

2 A. Yes.

3 Q. There's no question that the phrase or word "jihad"
4 certainly appears in the Qur'an, does it not?

5 A. True.

6 Q. It appears many, many times, doesn't it?

7 A. Yes.

8 Q. And one of the ways that it appears is that a Muslim has
9 an obligation to defend a Muslim country against an invading
03:58 10 army, correct?

11 A. Yes.

12 Q. And that was true whether the invaders were Mongols
13 centuries ago, right?

14 A. Yes.

15 Q. Whether the invaders were Serbs into Bosnia, right?

16 A. Yes.

17 Q. Whether the invaders were the Russians into Afghanistan,
18 correct?

19 A. Yes.

03:58 20 Q. Every Muslim had a personal obligation in the view of this
21 interpretation of Islam to defend that country and help repel
22 the invaders. Is that right?

23 A. Yes.

24 Q. Even India was viewed as an invader in Kashmir, correct?

25 A. Yes.

1 Q. Now, you mentioned that it was particularly difficult in
2 the '90s for young Muslims. Is that right?

3 A. I don't think I said "difficult," but you'd asked --

4 Q. Challenges?

5 A. Well, you had asked about converts versus born Muslims and
6 then embracing the faith. They're virtually synonymous, but I
7 mentioned that in the 1990s that was -- the default assumption
8 is that if you become a Muslim, or you newly embrace your
9 faith, then you're probably going to probably be with the
03:59 10 Salafis because that was the dominant paradigm in the time.

11 Q. Now, the 1990s were a particularly difficult time for
12 young Muslims or converts to Islam. Would that be fair to say?

13 A. Yes. Yes.

14 Q. There was a great deal of suffering in the Muslim world,
15 was there not?

16 A. Yes.

17 Q. There were armies attacking Muslims in various parts of
18 the world, right?

19 A. Yes.

04:00 20 Q. There was genocide going on of Muslims where entire areas
21 of Muslim people were being wiped out simply because these
22 people were Muslims. Is that right?

23 A. Yes.

24 Q. A country as large as Russia was invading a Muslim country
25 to attempt to dominate it. Is that right?

1 A. Correct.

2 Q. And the pain of the suffering that these young Muslims saw
3 in the Muslim communities generated a great deal of interest in
4 doing something. Isn't that right?

5 A. Yes.

6 Q. And have I accurately conveyed that the sense was: "We've
7 got to do something to help our Muslim brothers and sisters"?

8 A. Yes, that would be accurate.

9 Q. And that would flow directly from what a person is reading
04:01 10 and understanding that the Qur'an itself is saying, right?

11 A. Yes.

12 Q. And the Qur'an is a source of wisdom in a holy book in
13 Islam that's compatible to the Torah for the Jewish faith or
14 the Bible in the Christian faith for many people. Isn't that
15 accurate?

16 A. Yes.

17 Q. Now, as they're trying to figure out what to do, it's easy
18 in your experience for these young people and converts in the
19 '90s to look at the world in kind of a black and white way.
04:01 20 Isn't that true?

21 A. Yes.

22 Q. And they are trying to figure out what will be their role
23 as a Muslim to be true to their faith. Isn't that a correct
24 way to say it?

25 A. Yes.

1 Q. Now, you, yourself, held these feelings also, didn't you?

2 A. Yeah.

3 Q. You, yourself, answered what you thought and believed was
4 the call of Islam and traveled to Pakistan?

5 A. Yes.

6 Q. And you've been very open with the jurors about the fact
7 that you were going there to get military training, correct?

8 A. (Nonverbal response).

9 Q. Is that right?

04:02 10 A. Yes.

11 Q. You have to say "yes" for our court reporter.

12 A. Okay.

13 Q. And then engage in fighting. And fighting included
14 killing in order to defend the Muslim country of Kashmir. Is
15 that right?

16 A. That would be correct.

17 Q. Now, this occurred prior to 9/11, correct?

18 A. Correct.

19 Q. And the invading army in Kashmir was viewed as India,
04:02 20 right?

21 A. Yes.

22 Q. Just as the invading army in Afghanistan had been viewed
23 as the Soviet Union or Russia?

24 A. Yes.

25 Q. After 9/11 your views changed, didn't they?

1 A. Yes.

2 Q. And your views became what you characterized as more
3 extreme?

4 A. Yes.

5 Q. What had happened was your country, the United States, had
6 been attacked by Muslims, your faith. Is that right?

7 A. Yes.

8 Q. And did you look into the background of why this was done?

9 A. Yes.

04:03 10 Q. And what the justification was, at least from the Muslim
11 perspective, for doing that attack on 9/11?

12 A. The perspective of those who claimed responsibility, yes.

13 Q. And you accepted it?

14 A. Yes.

15 Q. You embraced it?

16 A. Yes.

17 Q. Now, we're going to get to this later, but today you don't
18 accept it, do you?

19 A. No.

04:03 20 Q. Today you don't embrace it, do you?

21 A. No.

22 Q. Today your views are quite different --

23 A. Yes.

24 Q. -- than they had been back then?

25 A. Yes.

1 Q. And in your experience, there are millions of people who
2 are Muslims who held your views the same as you after 9/11.
3 Isn't that right?

4 A. Perhaps. I don't know about millions, but indeed a large
5 number of people it did.

6 Q. Worldwide?

7 A. Yes.

8 Q. And a large number of those people have changed their
9 views just like you?

04:04 10 A. Yes.

11 THE COURT: Mr. Carney, if this is a place to take a
12 pause, we're at one o'clock.

13 MR. CARNEY: Yes, it is, your Honor. Thank you.

14 THE COURT: Okay.

15 We'll recess, jurors. Enjoy the rest of the day.
16 We'll see you tomorrow at nine and continue with the case.

17 THE CLERK: All rise for the Court and jury.

18 The Court will be in recess.

19 (The Court and jury exit the courtroom and the
20 proceedings adjourned at 12:59 p.m.)

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1 C E R T I F I C A T E
2

3 We, Marcia G. Patrisso, RMR, CRR, and Cheryl
4 Dahlstrom, RMR, CRR, Official Reporters of the United States
5 District Court, do hereby certify that the foregoing transcript
6 constitutes, to the best of our skill and ability, a true and
7 accurate transcription of our stenotype notes taken in the
8 matter of Criminal Action No. 09-10017-GAO-1, United States of
9 America v. Tarek Mehanna.

10

11 /s/ Marcia G. Patrisso
12 MARCIA G. PATRISSO, RMR, CRR
Official Court Reporter

13 /s/ Cheryl Dahlstrom
14 CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

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16 Date: November 15, 2011

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